

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**To H.R. 3150**  
**OFFERED BY MR. OBERSTAR OF MINNESOTA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

**2 (a) SHORT TITLE.**—This Act may be cited as the  
**3 “Aviation Security Act”.**

**4 (b) TABLE OF CONTENTS.**—The table of contents for  
**5 this Act is as follows:**

Sec. 1. Short title; table of contents.

**TITLE I—AVIATION SECURITY**

- Sec. 101. Findings.
- Sec. 102. Transportation security function.
- Sec. 103. Aviation Security Coordination Council.
- Sec. 104. Improved flight deck integrity measures.
- Sec. 105. Deployment of Federal air marshals.
- Sec. 106. Improved airport perimeter access security.
- Sec. 107. Enhanced anti-hijacking training for flight crews.
- Sec. 108. Passenger and property screening.
- Sec. 109. Training and employment of security screening personnel.
- Sec. 110. Research and development.
- Sec. 111. Flight school security.
- Sec. 112. Report to Congress on security.
- Sec. 113. General aviation and air charters.
- Sec. 114. Increased penalties for interference with security personnel.
- Sec. 115. Security-related study by FAA.
- Sec. 116. Air transportation arrangements in certain States.
- Sec. 117. Airline computer reservation systems.
- Sec. 118. Security funding.
- Sec. 119. Increased funding flexibility for aviation security.
- Sec. 120. Authorization of funds for reimbursement of airports for security mandates.
- Sec. 121. Encouraging airline employees to report suspicious activities.
- Sec. 122. Less-than-lethal weaponry for flight deck crews.
- Sec. 123. Mail and freight waivers.
- Sec. 124. Safety and security of on-board supplies.
- Sec. 125. Flight deck security
- Sec. 126. Amendments to airmen registry authority.

## 2

- Sec. 127. Results-based management.  
Sec. 128. Use of facilities.  
Sec. 129. Report on national air space restrictions put in place after terrorist attacks that remain in place.  
Sec. 130. Voluntary provision of emergency services during commercial flights.  
Sec. 131. Enhanced security for aircraft.  
Sec. 132. Implementation of certain detection technologies.  
Sec. 133. Report on new responsibilities of the Department of Justice for aviation security.  
Sec. 134. Definitions.

## TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

## Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

- Sec. 201. Expanded deployment and utilization of current security technologies and procedures.

## Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

- Sec. 211. Short-term assessment and deployment of emerging security technologies and procedures.

## Subtitle C—Research and Development of Aviation Security Technology

- Sec. 221. Research and development of aviation security technology.

1 **TITLE I—AVIATION SECURITY**2 **SEC. 101. FINDINGS.**

3 The Congress finds the following:

4 (1) The safety and security of the civil air  
5 transportation system is critical to the United  
6 States' security and its national defense.

7 (2) A safe and secure United States civil air  
8 transportation system is essential to the basic free-  
9 dom of Americans to move in intrastate, interstate,  
10 and international transportation.

11 (3) The terrorist hijackings and crashes of pas-  
12 senger aircraft on September 11, 2001, converting  
13 civil aircraft into guided bombs for strikes against

1 civilian and military targets requires the United  
2 States to change fundamentally the way it ap-  
3 proaches the task of ensuring the safety and security  
4 of the civil air transportation system.

5 (4) The existing fragmentation of responsibility  
6 for that safety and security among government  
7 agencies and between government and nongovern-  
8 ment entities is inefficient and unacceptable in light  
9 of the hijackings and crashes on September 11,  
10 2001.

11 (5) The General Accounting Office has rec-  
12 ommended that security functions and security per-  
13 sonnel at United States airports should become a  
14 Federal government responsibility.

15 (6) Although the number of Federal air mar-  
16 shals is classified, their presence on both inter-  
17 national and domestic flights would have a deterrent  
18 effect on hijacking and would further bolster public  
19 confidence in the safety of air travel.

20 (7) The effectiveness of existing security meas-  
21 ures, including employee background checks and  
22 passenger pre-screening, is impaired because of the  
23 inaccessibility of, or the failure to share information  
24 among, data bases maintained by different Federal

1 and international agencies for criminal behavior or  
2 pertinent intelligence information.

3 **SEC. 102. TRANSPORTATION SECURITY FUNCTION.**

4 (a) IN GENERAL.—Section 102 of title 49, United  
5 States Code, is amended—

6 (1) by redesignating subsections (d), (e), and  
7 (f) as subsections (e), (f), and (g); and

8 (2) by inserting after subsection (c) the fol-  
9 lowing:

10 “(d) DEPUTY SECRETARY FOR TRANSPORTATION  
11 SECURITY.—

12 “(1) IN GENERAL.—The Department has a  
13 Deputy Secretary for Transportation Security, who  
14 shall be appointed by the President, by and with the  
15 advice and consent of the Senate. The Deputy Sec-  
16 retary for Transportation Security shall carry out  
17 duties and powers prescribed by the Secretary relat-  
18 ing to security for all modes of transportation.

19 “(2) AVIATION-RELATED DUTIES.—The Deputy  
20 Secretary—

21 “(A) shall coordinate and direct, as appro-  
22 priate, the functions and responsibilities of the  
23 Secretary of Transportation and the Adminis-  
24 trator of the Federal Aviation Administration  
25 under chapter 449;

1           “(B) shall work in conjunction with the  
2 Administrator of the Federal Aviation Adminis-  
3 tration with respect to any actions or activities  
4 that may affect aviation safety or air carrier op-  
5 erations; and

6           “(C) shall actively cooperate and coordi-  
7 nate with the Attorney General, the Secretary  
8 of Defense, and the heads of other appropriate  
9 Federal agencies and departments with respon-  
10 sibilities for national security and criminal jus-  
11 tice enforcement activities that are related to  
12 aviation security through the Aviation Security  
13 Coordination Council.

14           “(3) NATIONAL EMERGENCY RESPONSIBIL-  
15 ITIES.—Subject to the direction and control of the  
16 Secretary, the Deputy Secretary shall have the fol-  
17 lowing responsibilities:

18           “(A) To coordinate domestic transpor-  
19 tation during a national emergency, including  
20 aviation, rail, and other surface transportation,  
21 and maritime transportation (including port se-  
22 curity).

23           “(B) To coordinate and oversee during a  
24 national emergency the transportation-related  
25 responsibilities of other departments and agen-

1           cies of the Federal Government other than the  
2           Department of Defense and the military depart-  
3           ments.

4           “(C) To establish uniform national stand-  
5           ards and practices for transportation during a  
6           national emergency.

7           “(D) To coordinate and provide notice to  
8           other departments and agencies of the Federal  
9           Government, and appropriate agencies of State  
10          and local governments, including departments  
11          and agencies for transportation, law enforce-  
12          ment, and border control, about threats to  
13          transportation during a national emergency.

14          “(E) To carry out such other duties, and  
15          exercise such other powers, relating to transpor-  
16          tation during a national emergency as the Sec-  
17          retary of Transportation shall prescribe.

18          “(4) RELATIONSHIP TO OTHER TRANSPOR-  
19          TATION AUTHORITY.—The authority of the Deputy  
20          Secretary under paragraph (3) to coordinate and  
21          oversee transportation and transportation-related re-  
22          sponsibilities during a national emergency shall not  
23          supersede the authority of any other department or  
24          agency of the Federal Government under law with  
25          respect to transportation or transportation-related

1 matters, whether or not during a national emer-  
2 gency.

3 “(5) ANNUAL REPORT.—The Deputy Secretary  
4 shall submit to the Congress on an annual basis a  
5 report on the activities of the Deputy Secretary  
6 under paragraph (3) during the preceding year.

7 “(6) NATIONAL EMERGENCY.—The Secretary of  
8 Transportation shall prescribe the circumstances  
9 constituting a national emergency for purposes of  
10 paragraph (3).”.

11 (b) ATTORNEY GENERAL RESPONSIBILITIES.—The  
12 Attorney General of the United States—

13 (1) is responsible for day-to-day Federal secu-  
14 rity screening operations for passenger air transpor-  
15 tation or intrastate air transportation under sections  
16 44901 and 44935 of title 49, United States Code;

17 (2) shall work in conjunction with the Adminis-  
18 trator of the Federal Aviation Administration with  
19 respect to any actions or activities that may affect  
20 aviation safety or air carrier operations;

21 (3) is responsible for hiring and training per-  
22 sonnel to provide security screening at all United  
23 States airports involved in passenger air transpor-  
24 tation or intrastate air transportation, in consulta-  
25 tion with the Secretary of Transportation, the Sec-

1       retary of Defense, and the heads of other appro-  
2       priate Federal agencies and departments; and

3           (4) shall actively cooperate and coordinate with  
4       the Secretary of Transportation, the Secretary of  
5       Defense, and the heads of other appropriate Federal  
6       agencies and departments with responsibilities for  
7       national security and criminal justice enforcement  
8       activities that are related to aviation security  
9       through the Aviation Security Coordination Council.

10       (c) REVIEW AND DEVELOPMENT OF WAYS TO  
11       STRENGTHEN SECURITY.—Section 44932(c) of title 49,  
12       United States Code, is amended—

13           (1) by striking “x-ray” in paragraph (4);

14           (2) by striking “and” at the end of paragraph  
15       (4);

16           (3) by striking “passengers.” in paragraph (5)  
17       and inserting “passengers;” and

18           (4) by adding at the end the following:

19           “(6) to strengthen and enhance the ability to  
20       detect nonexplosive weapons, such as biological,  
21       chemical, or similar substances; and

22           “(7) to evaluate such additional measures as  
23       may be appropriate to enhance physical inspection of  
24       passengers, luggage, and cargo.”.



1       (d) TRANSITION.—Until the Deputy Secretary for  
2 Transportation Security takes office, the functions of the  
3 Deputy Secretary that relate to aviation security shall be  
4 carried out by the Assistant Administrator for Civil Aviation  
5 Security of the Federal Aviation Administration.

6 **SEC. 103. AVIATION SECURITY COORDINATION COUNCIL.**

7       (a) IN GENERAL.—Section 44911 of title 49, United  
8 States Code, is amended by adding at the end the following:  
9

10       “(f) AVIATION SECURITY COORDINATION COUNCIL.—  
11

12               “(1) IN GENERAL.—There is established an  
13 Aviation Security Coordination Council.

14               “(2) FUNCTION.—The Council shall work with  
15 the intelligence community to coordinate intelligence,  
16 security, and criminal enforcement activities affecting  
17 the safety and security of aviation at all United  
18 States airports and air navigation facilities involved  
19 in air transportation or intrastate air transportation.

20               “(3) CHAIR.—The Council shall be chaired by  
21 the Secretary of Transportation or the Secretary’s  
22 designee.

23               “(4) MEMBERSHIP.—The members of the  
24 Council are:

1           “(A) The Secretary of Transportation, or  
2           the Secretary’s designee.

3           “(B) The Attorney General, or the Attor-  
4           ney General’s designee.

5           “(C) The Secretary of Defense, or the Sec-  
6           retary’s designee.

7           “(D) The Secretary of the Treasury, or the  
8           Secretary’s designee.

9           “(E) The Director of the Central Intel-  
10          ligence Agency, or the Director’s designee.

11          “(F) The head, or an officer or employee  
12          designated by the head, of any other Federal  
13          agency the participation of which is determined  
14          by the Secretary of Transportation, in consulta-  
15          tion with the Attorney General, to be appro-  
16          priate.

17          “(g) CROSS-CHECKING DATA BASE INFORMATION.—  
18          The Secretary of Transportation, acting through the Avia-  
19          tion Security Coordination Council, shall—

20               “(1) explore the technical feasibility of devel-  
21               oping a common database of individuals who may  
22               pose a threat to aviation or national security;

23               “(2) enter into memoranda of understanding  
24               with other Federal agencies to share or otherwise  
25               cross-check data on such individuals identified on

1 Federal agency data bases, and may utilize other  
2 available data bases as necessary; and

3 “(3) evaluate and assess technologies in devel-  
4 opment or use at Federal departments, agencies,  
5 and instrumentalities that might be useful in im-  
6 proving the safety and security of aviation in the  
7 United States.”.

8 (b) POLICIES AND PROCEDURES.—Section 44911(b)  
9 of title 49, United States Code, is amended by striking  
10 “international”.

11 (c) STRATEGIC PLANNING.—Section 44911(c) of title  
12 49, United States Code, is amended by striking “consider  
13 placing” and inserting “place”.

14 **SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.**

15 (a) IN GENERAL.—As soon as possible after the date  
16 of enactment of this Act, the Administrator of the Federal  
17 Aviation Administration shall—

18 (1) issue an order (without regard to the provi-  
19 sions of chapter 5 of title 5, United States Code)—

20 (A) prohibiting access to the flight deck of  
21 aircraft engaged in passenger air transportation  
22 or intrastate air transportation except to au-  
23 thorized personnel;

24 (B) requiring the strengthening of the  
25 flight deck door and locks on any such aircraft

1 operating in air transportation or intrastate air  
2 transportation that has a rigid door in a bulk-  
3 head between the flight deck and the passenger  
4 area to ensure that the door cannot be forced  
5 open from the passenger compartment;

6 (C) requiring that such flight deck doors  
7 remain locked while any such aircraft is in  
8 flight except when necessary to permit the  
9 flight deck crew access and egress; and

10 (D) prohibiting the possession of a key to  
11 any such flight deck door by any member of the  
12 flight crew who is not assigned to the flight  
13 deck; and

14 (2) take such other action, including modifica-  
15 tion of safety and security procedures, as may be  
16 necessary to ensure the safety and security of the  
17 aircraft.

18 (b) COMMUTER AIRCRAFT.—The Administrator shall  
19 investigate means of securing, to the greatest feasible ex-  
20 tent, the flight deck of aircraft operating in air transpor-  
21 tation or intrastate air transportation that do not have  
22 a rigid fixed door with a lock between the passenger com-  
23 partment and the flight deck and issue such an order as  
24 the Administrator deems appropriate (without regard to  
25 the provisions of chapter 5 of title 5, United States Code)

1 to ensure the inaccessibility, to the greatest extent fea-  
2 sible, of the flight deck while the aircraft is so engaged.

3 **SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.**

4 (a) AIR MARSHALS UNDER ATTORNEY GENERAL  
5 GUIDELINES.—The Attorney General shall prescribe  
6 guidelines for the training and deployment of individuals  
7 authorized, with the approval of the Attorney General, to  
8 carry firearms and make arrests under section 44903(d)  
9 of title 49, United States Code. The Secretary of Trans-  
10 portation shall administer the air marshal program under  
11 that section in accordance with the guidelines prescribed  
12 by the Attorney General.

13 (b) DEPLOYMENT.—Section 44903(d) of title 49,  
14 United States Code, is amended—

15 (1) by inserting “(1)” before “With”;

16 (2) by redesignating paragraphs (1) and (2) as  
17 subparagraphs (A) and (B); and

18 (3) by adding at the end the following:

19 “(2) The Secretary—

20 “(A) may place Federal air marshals on every  
21 scheduled passenger flight in air transportation and  
22 intrastate air transportation; and

23 “(B) shall place them on every such flight de-  
24 termined by the Secretary to present high security  
25 risks.

1 “(3) In making the determination under paragraph  
2 (2)(B), nonstop longhaul flights, such as those targeted  
3 on September 11, 2001, should be a priority.”.

4 (c) TRAINING, SUPERVISION, AND FLIGHT ASSIGN-  
5 MENT.—Within 30 days after the date of enactment of  
6 this Act, the Secretary of Transportation, under the au-  
7 thority of subsections (d) and (e) of section 44903 of title  
8 49, United States Code, shall—

9 (1) provide for deployment of Federal air mar-  
10 shals on flights in air transportation and intrastate  
11 air transportation;

12 (2) provide for appropriate background and fit-  
13 ness checks for candidates for appointment as Fed-  
14 eral air marshals;

15 (3) provide for appropriate training, super-  
16 vision, and equipment of Federal air marshals; and

17 (4) require air carriers to provide seating for  
18 Federal air marshals on any flight without regard to  
19 the availability of seats on that flight.

20 (d) INTERNATIONAL FLIGHTS.—The Secretary shall  
21 work with the International Civil Aviation Organization  
22 and with appropriate civil aviation authorities of foreign  
23 governments under section 44907 of title 49, United  
24 States Code, to address security concerns on flights by for-  
25 eign air carriers to and from the United States.

1 (e) INTERIM MEASURES.—The Secretary may, after  
2 consultation with the heads of other Federal agencies and  
3 departments, use personnel from those agencies and de-  
4 partments to provide air marshal service on domestic and  
5 international flights, and may use the authority provided  
6 by section 324 of title 49, United States Code, for such  
7 purpose.

8 (f) REPORTS.—

9 (1) IN GENERAL.—The Attorney General and  
10 the Secretary of Transportation shall submit the fol-  
11 lowing reports in classified form, if necessary, to the  
12 Senate Committee on Commerce, Science, and  
13 Transportation and the House of Representatives  
14 Committee on Transportation and Infrastructure:

15 (A) Within 18 months after the date of en-  
16 actment of this Act, an assessment of the pro-  
17 gram carried out under section 44903(d) of  
18 title 49, United States Code.

19 (B) Within 120 days after such date, an  
20 assessment of the effectiveness of the security  
21 screening process for carry-on baggage and  
22 checked baggage.

23 (C) Within 6 months after the date of en-  
24 actment of this Act, an assessment of the safety

1           and security-related training provided to flight  
2           and cabin crews.

3           (2) RECOMMENDATIONS.—The Attorney Gen-  
4           eral and the Secretary may submit, as part of any  
5           report under this subsection or separately, any rec-  
6           ommendations they may have for improving the ef-  
7           fectiveness of the Federal air marshal program or  
8           the security screening process.

9           (g) COOPERATION WITH OTHER AGENCIES.—The  
10          last sentence of section 106(m) of title 49, United States  
11          Code, is amended by striking “supplies and” and inserting  
12          “supplies, personnel, services, and”.

13          (h) AUTHORITY TO APPOINT RETIRED LAW EN-  
14          FORCEMENT OFFICERS.—Notwithstanding any other pro-  
15          vision of law, the Secretary of Transportation may appoint  
16          an individual who is a retired law enforcement officer or  
17          a retired member of the Armed Forces as a Federal air  
18          marshal, regardless of age, or an individual discharged or  
19          furloughed from a commercial airline cockpit crew posi-  
20          tion, if the individual otherwise meets the background and  
21          fitness qualifications required for Federal air marshals.



1   **SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECU-**  
2                   **RITY.**

3           (a) IN GENERAL.—Section 44903 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6           “(h) IMPROVED AIRPORT PERIMETER ACCESS SECU-  
7 RITY.—

8                   “(1) IN GENERAL.—The Secretary of Transpor-  
9 tation, in consultation with the airport operator and  
10 law enforcement authorities, may order the deploy-  
11 ment of such personnel at any secure area of the  
12 airport as necessary to counter the risk of criminal  
13 violence, the risk of aircraft piracy at the airport,  
14 the risk to air carrier aircraft operations at the air-  
15 port, or to meet national security concerns.

16                   “(2) SECURITY OF AIRCRAFT AND GROUND AC-  
17 CESS TO SECURE AREAS.—In determining where to  
18 deploy such personnel, the Secretary shall consider  
19 the physical security needs of air traffic control fa-  
20 cilities, parked aircraft, aircraft servicing equipment,  
21 aircraft supplies (including fuel), automobile parking  
22 facilities within airport perimeters or adjacent to se-  
23 cured facilities, and access and transition areas at  
24 airports served by other means of ground or water  
25 transportation. The Secretary of Transportation,  
26 after consultation with the Aviation Security Coordi-

1 nation Council, shall consider whether airport, air  
2 carrier personnel, and other individuals with access  
3 to such areas should be screened to prevent individ-  
4 uals who present a risk to aviation security or na-  
5 tional security from gaining access to such areas.

6 “(3) DEPLOYMENT OF FEDERAL LAW EN-  
7 FORCEMENT PERSONNEL.—The Secretary of Trans-  
8 portation may enter into a memorandum of under-  
9 standing or other agreement with the Attorney Gen-  
10 eral or the head of any other appropriate Federal  
11 law enforcement agency to deploy Federal law en-  
12 forcement personnel at an airport in order to meet  
13 aviation safety and security concerns.”.

14 (b) SMALL AND MEDIUM AIRPORTS.—The Adminis-  
15 trator of the Federal Aviation Administration shall de-  
16 velop a plan to provide technical support to small and me-  
17 dium airports to enhance security operations, including  
18 screening operations, and to provide financial assistance  
19 to those airports to defray the costs of enhancing security.  
20 The Federal Aviation Administration in consultation with  
21 the appropriate State or local government law enforcement  
22 authorities, shall reexamine the safety requirements for  
23 small community airports, to reflect a reasonable level of  
24 threat to those individual small community airports, in-  
25 cluding the parking of passenger vehicles within 300 feet

1 of the airport terminal building with respect to that air-  
2 port.

3 (c) CHEMICAL AND BIOLOGICAL WEAPON DETEC-  
4 TION.—Section 44903(c)(2)(C) of title 49, United States  
5 Code, is amended to read as follows:

6 “(C) MAXIMUM USE OF CHEMICAL AND BIO-  
7 LOGICAL WEAPON DETECTION EQUIPMENT.—The  
8 Secretary of Transportation shall require airports to  
9 maximize the use of technology and equipment that  
10 is designed to detect potential chemical or biological  
11 weapons.”.

12 (d) IMPROVEMENT OF SECURED-AREA ACCESS CON-  
13 TROL.—Section 44903(g)(2) of title 49, United States  
14 Code, is amended—

15 (1) by striking “weaknesses by January 31,  
16 2001;” in subparagraph (A) and inserting “weak-  
17 nesses;”;

18 (2) by striking subparagraph (D) and inserting  
19 the following:

20 “(D) on an ongoing basis, assess and test  
21 for compliance with access control require-  
22 ments, report annually findings of the assess-  
23 ments, and assess the effectiveness of penalties  
24 in ensuring compliance with security procedures

1           and take any other appropriate enforcement ac-  
2           tions when noncompliance is found;”;

3           (3) by striking “program by January 31,  
4           2001;” in subparagraph (F) and inserting “pro-  
5           gram;”; and

6           (4) by striking subparagraph (G) and inserting  
7           the following:

8                   “(G) work with airport operators to  
9                   strengthen access control points in secured  
10                  areas (including air traffic control operations  
11                  areas, maintenance areas, crew lounges, bag-  
12                  gage handling areas, concessions, and catering  
13                  delivery areas) to ensure the security of pas-  
14                  sengers and aircraft and consider the deploy-  
15                  ment of biometric or similar technologies that  
16                  identify individuals based on unique personal  
17                  characteristics.”.

18          (e) AIRPORT SECURITY PILOT PROGRAM.—Section  
19          44903(c) of title 49, United States Code, is amended by  
20          adding at the end the following:

21               “(3) The Administrator shall establish pilot programs  
22          in no fewer than 20 airports to test and evaluate new and  
23          emerging technology for providing access control and other  
24          security protections for closed or secure areas of the air-  
25          ports. Such technology may include biometric or other

1 technology that ensures only authorized access to secure  
2 areas.”.

3 (f) AIRPORT SECURITY AWARENESS PROGRAMS.—

4 The Secretary of Transportation shall require air carriers  
5 and airports involved in air transportation or intrastate  
6 air transportation to develop security awareness programs  
7 for airport employees, ground crews, and other individuals  
8 employed at such airports.

9 **SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR**  
10 **FLIGHT CREWS.**

11 (a) IN GENERAL.—The Secretary of Transportation  
12 shall develop a mandatory air carrier program of training  
13 for flight and cabin crews of aircraft providing air trans-  
14 portation or intrastate air transportation in dealing with  
15 attempts to commit aircraft piracy (as defined in section  
16 46502(a)(1)(A) of title 49, United States Code). The Sec-  
17 retary shall ensure that the training curriculum is devel-  
18 oped in consultation with Federal law enforcement agen-  
19 cies with expertise in terrorism, self-defense, hijacker psy-  
20 chology, and current threat conditions.

21 (b) NOTIFICATION PROCEDURES.—The Adminis-  
22 trator of the Federal Aviation Administration shall revise  
23 the procedures by which cabin crews of aircraft can notify  
24 flight deck crews of security breaches and other emer-

1 gencies and implement any new measures as soon as prac-  
2 ticable.

3 **SEC. 108. PASSENGER AND PROPERTY SCREENING.**

4 (a) IN GENERAL.—Section 44901 of title 49, United  
5 States Code, is amended to read as follows:

6 **“§ 44901. Screening passengers, individuals with ac-  
7 cess to secure areas, and property**

8 “(a) IN GENERAL.—The Attorney General, in con-  
9 sultation with the Secretary of Transportation, shall pro-  
10 vide for the screening of all passengers and property, in-  
11 cluding United States mail, cargo, carry-on and checked  
12 baggage, and other articles, that will be carried aboard  
13 an aircraft in air transportation or intrastate air transpor-  
14 tation. The screening shall take place before boarding and,  
15 except as provided in subsection (c), shall be carried out  
16 by a Federal government employee (as defined in section  
17 2105 of title 5, United States Code). The Attorney Gen-  
18 eral, in consultation with the Secretary, shall provide for  
19 the screening of all persons, including airport, air carrier,  
20 foreign air carrier, and airport concessionaire employees,  
21 before they are allowed into sterile or secure areas of the  
22 airport, as determined by the Attorney General. The  
23 screening of airport, air carrier, foreign air carrier, and  
24 airport concessionaire employees, and other nonpassengers  
25 with access to secure areas, shall be conducted in the same

1 manner as passenger screenings are conducted, except  
2 that the Attorney General may authorize alternative  
3 screening procedures for personnel engaged in providing  
4 airport or aviation security at an airport. In carrying out  
5 this subsection, the Attorney General shall maximize the  
6 use of available nonintrusive and other inspection and de-  
7 tection technology that is approved by the Administrator  
8 of the Federal Aviation Administration for the purpose of  
9 screening passengers, baggage, mail, or cargo.

10 “(b) DEPLOYMENT OF ARMED PERSONNEL.—

11 “(1) IN GENERAL.—The Attorney General shall  
12 order the deployment of law enforcement personnel  
13 authorized to carry firearms at each airport security  
14 screening location to ensure passenger safety and  
15 national security.

16 “(2) MINIMUM REQUIREMENTS.—Except at air-  
17 ports required to enter into agreements under sub-  
18 section (c), the Attorney General shall order the de-  
19 ployment of at least 1 law enforcement officer at  
20 each airport security screening location. At the 100  
21 largest airports in the United States, in terms of an-  
22 nual passenger enplanements for the most recent  
23 calendar year for which data are available, the At-  
24 torney General shall order the deployment of addi-  
25 tional law enforcement personnel at airport security

1 screening locations if the Attorney General deter-  
2 mines that the additional deployment is necessary to  
3 ensure passenger safety and national security.

4 “(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

5 “(1) PASSENGER SCREENING.—In carrying out  
6 subsection (a) and subsection (b)(1), the Attorney  
7 General may require any nonhub airport (as defined  
8 in section 41731(a)(4)) or smaller airport with  
9 scheduled passenger operations to enter into an  
10 agreement under which screening of passengers and  
11 property will be carried out by qualified, trained  
12 State or local law enforcement personnel if—

13 “(A) the screening services are equivalent  
14 to the screening services that would be carried  
15 out by Federal personnel under subsection (a);

16 “(B) the training and evaluation of indi-  
17 viduals conducting the screening or providing  
18 security services meets the standards set forth  
19 in section 44935 for training and evaluation of  
20 Federal personnel conducting screening or pro-  
21 viding security services under subsection (a);

22 “(C) the airport is reimbursed by the  
23 United States, using funds made available by  
24 the Aviation Security Act, for the costs incurred



1 in providing the required screening, training,  
2 and evaluation; and

3 “(D) the Attorney General has consulted  
4 the airport sponsor.

5 “(2) DETERMINATION OF LIMITED REQUIRE-  
6 MENTS.—The Attorney General, in consultation with  
7 the Secretary of Transportation, may prescribe  
8 modified aviation security measures for a nonhub  
9 airport if the Attorney General determines that spe-  
10 cific security measures are not required at a nonhub  
11 airport at all hours of airport operation because of—

12 “(A) the types of aircraft that use the air-  
13 port;

14 “(B) seasonal variations in air traffic and  
15 types of aircraft that use the airport; or

16 “(C) other factors that warrant modifica-  
17 tion of otherwise applicable security require-  
18 ments.

19 “(3) ADDITIONAL FEDERAL SECURITY MEAS-  
20 URES.—At any airport required to enter into a reim-  
21 bursement agreement under paragraph (1), the At-  
22 torney General—

23 “(A) may provide or require additional se-  
24 curity measures;

1                   “(B) may conduct random security inspec-  
2                   tions; and

3                   “(C) may provide assistance to enhance  
4                   airport security at that airport.

5                   “(d) MANUAL PROCESS.—

6                   “(1) IN GENERAL.—The Attorney General shall  
7                   require a manual process, at explosive detection sys-  
8                   tem screening locations in airports where explosive  
9                   detection equipment is underutilized, which will aug-  
10                  ment the Computer Assisted Passenger Prescreening  
11                  System by randomly selecting additional checked  
12                  bags for screening so that a minimum number of  
13                  bags, as prescribed by the Attorney General, are ex-  
14                  amined.

15                  “(2) LIMITATION ON STATUTORY CONSTRUC-  
16                  TION.—Paragraph (1) shall not be construed to limit  
17                  the ability of the Attorney General or the Secretary  
18                  of Transportation to impose additional security  
19                  measures when a specific threat warrants such addi-  
20                  tional measures.

21                  “(3) MAXIMUM USE OF EXPLOSIVE DETECTION  
22                  EQUIPMENT.—In prescribing the minimum number  
23                  of bags to be examined under paragraph (1), the At-  
24                  torney General shall seek to maximize the use of the  
25                  explosive detection equipment.

1       “(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying  
2 out subsections (a), (b), and (c), the Attorney General  
3 may use memoranda of understanding or other agree-  
4 ments with the heads of appropriate Federal law enforce-  
5 ment agencies covering the utilization and deployment of  
6 personnel of the Department of Justice or such other  
7 agencies.”.

8       (b) DEPUTIZING OF STATE AND LOCAL LAW EN-  
9 FORCEMENT OFFICERS.—Section 512 of the Wendell H.  
10 Ford Aviation Investment and Reform Act for the 21st  
11 Century is amended—

12           (1) by striking “purpose of” in subsection  
13       (b)(1)(A) and inserting “purposes of (i)”;

14           (2) by striking “transportation;” in subsection  
15       (b)(1)(A) and inserting “transportation, and (ii) reg-  
16 ulate the provisions of security screening services  
17 under section 44901(c) of title 49, United States  
18 Code;”;

19           (3) by striking “NOT FEDERAL RESPONSI-  
20 BILITY” in the heading of subsection (b)(3)(b);

21           (4) by striking “shall not be responsible for  
22 providing” in subsection (b)(3)(B) and inserting  
23 “may provide”;

24           (5) by striking “flight.” in subsection (c)(2)  
25 and inserting “flight and security screening func-

1       tions under section 44901(c) of title 49, United  
2       States Code.”;

3               (6) by striking “General” in subsection (e) and  
4       inserting “General, in consultation with the Sec-  
5       retary of Transportation,”; and

6               (7) by striking subsection (f).

7       (c) **TRANSITION.**—The Attorney General shall com-  
8       plete the full implementation of section 44901 of title 49,  
9       United States Code, as amended by subsection (a), as soon  
10      as is practicable but in no event later than 9 months after  
11      the date of enactment of this Act. The Attorney General  
12      may make or continue such arrangements, including ar-  
13      rangements under the authority of sections 40110 and  
14      40111 of that title, for the screening of passengers and  
15      property under that section as the Attorney General deter-  
16      mines necessary pending full implementation of that sec-  
17      tion as so amended.

18      **SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY**  
19                      **SCREENING PERSONNEL.**

20       (a) **IN GENERAL.**—Section 44935 of title 49, United  
21      States Code, is amended—

22               (1) by redesignating subsection (f) as sub-  
23      section (i); and

24               (2) by striking subsection (e) and inserting the  
25      following:

1       “(e) SECURITY SCREENERS.—

2               “(1) TRAINING PROGRAM.—The Attorney Gen-  
3       eral, in consultation with the Secretary of Transpor-  
4       tation, shall establish a program for the hiring and  
5       training of security screening personnel.

6               “(2) HIRING.—

7               “(A) QUALIFICATIONS.—The Attorney  
8       General shall establish, within 30 days after the  
9       date of enactment of the Aviation Security Act,  
10      qualification standards for individuals to be  
11      hired by the United States as security screening  
12      personnel. Notwithstanding any provision of law  
13      to the contrary, those standards shall, at a min-  
14      imum, require an individual—

15              “(i) to have a satisfactory or better  
16      score on a Federal security screening per-  
17      sonnel selection examination;

18              “(ii) to have been a national of the  
19      United States, as defined in section  
20      101(a)(22) of the Immigration and Nation-  
21      ality Act (8 U.S.C. 1101(a)(22)), for a  
22      minimum of 5 consecutive years;

23              “(iii) to have passed an examination  
24      for recent consumption of a controlled sub-  
25      stance;

1 “(iv) to meet, at a minimum, the re-  
2 quirements set forth in subsection (f); and

3 “(v) to meet such other qualifications  
4 as the Attorney General may establish.

5 “(B) BACKGROUND CHECKS.—The Attor-  
6 ney General shall require that an individual to  
7 be hired as a security screener undergo an em-  
8 ployment investigation (including a criminal  
9 history record check) under section  
10 44936(a)(1).

11 “(C) DISQUALIFICATION OF INDIVIDUALS  
12 WHO PRESENT NATIONAL SECURITY RISKS.—  
13 The Attorney General, in consultation with the  
14 heads of other appropriate Federal agencies,  
15 shall establish procedures, in addition to any  
16 background check conducted under section  
17 44936, to ensure that no individual who pre-  
18 sents a threat to national security is employed  
19 as a security screener.

20 “(3) EXAMINATION; REVIEW OF EXISTING  
21 RULES.—The Attorney General shall develop a secu-  
22 rity screening personnel examination for use in de-  
23 termining the qualification of individuals seeking  
24 employment as security screening personnel. The At-  
25 torney General shall also review, and revise as nec-

1       essary, any standard, rule, or regulation governing  
2       the employment of individuals as security screening  
3       personnel.

4       “(f) EMPLOYMENT STANDARDS FOR SCREENING  
5 PERSONNEL.—

6               “(1) SCREENER REQUIREMENTS.—Notwith-  
7       standing any provision of law to the contrary, an in-  
8       dividual may not be employed as a security screener  
9       unless that individual meets the following require-  
10      ments:

11               “(A) The individual shall possess a high  
12       school diploma, a General Equivalency Diploma,  
13       or experience that the Attorney General has de-  
14       termined to have equipped the individual to per-  
15       form the duties of the position.

16               “(B) The individual shall possess basic ap-  
17       titudes and physical abilities including color  
18       perception, visual and aural acuity, physical co-  
19       ordination, and motor skills to the following  
20       standards:

21               “(i) Screeners operating screening  
22       equipment shall be able to distinguish on  
23       the screening equipment monitor the ap-  
24       propriate imaging standard specified by  
25       the Attorney General. Wherever the

1 screening equipment system displays col-  
2 ors, the operator shall be able to perceive  
3 each color.

4 “(ii) Screeners operating any screen-  
5 ing equipment shall be able to distinguish  
6 each color displayed on every type of  
7 screening equipment and explain what each  
8 color signifies.

9 “(iii) Screeners shall be able to hear  
10 and respond to the spoken voice and to au-  
11 dible alarms generated by screening equip-  
12 ment in an active checkpoint environment.

13 “(iv) Screeners performing physical  
14 searches or other related operations shall  
15 be able to efficiently and thoroughly ma-  
16 nipulate and handle such baggage, con-  
17 tainers, and other objects subject to secu-  
18 rity processing.

19 “(v) Screeners who perform pat-downs  
20 or hand-held metal detector searches of in-  
21 dividuals shall have sufficient dexterity and  
22 capability to thoroughly conduct those pro-  
23 cedures over a individual’s entire body.

24 “(C) The individual shall be able to read,  
25 speak, and write English well enough to—



1 “(i) carry out written and oral in-  
2 structions regarding the proper perform-  
3 ance of screening duties;

4 “(ii) read English language identifica-  
5 tion media, credentials, airline tickets, and  
6 labels on items normally encountered in  
7 the screening process;

8 “(iii) provide direction to and under-  
9 stand and answer questions from English-  
10 speaking individuals undergoing screening;  
11 and

12 “(iv) write incident reports and state-  
13 ments and log entries into security records  
14 in the English language.

15 “(D) The individual shall have satisfac-  
16 torily completed all initial, recurrent, and ap-  
17 propriate specialized training required by the  
18 security program, except as provided in para-  
19 graph (2).

20 “(2) EXCEPTIONS.—An individual who has not  
21 completed the training required by this section may  
22 be employed during the on-the-job portion of train-  
23 ing to perform functions if that individual—

24 “(A) is closely supervised; and

1           “(B) does not make independent judg-  
2           ments as to whether individuals or property  
3           may enter a sterile area or aircraft without fur-  
4           ther inspection.

5           “(3) REMEDIAL TRAINING.—No individual em-  
6           ployed as a security screener may perform a screen-  
7           ing function after that individual has failed an oper-  
8           ational test related to that function until that indi-  
9           vidual has successfully completed the remedial train-  
10          ing specified in the security program.

11          “(4) ANNUAL PROFICIENCY REVIEW.—The At-  
12          torney General shall provide that an annual evalua-  
13          tion of each individual assigned screening duties is  
14          conducted and documented. An individual employed  
15          as a security screener may not continue to be em-  
16          ployed in that capacity unless the evaluation dem-  
17          onstrates that the individual—

18               “(A) continues to meet all qualifications  
19               and standards required to perform a screening  
20               function;

21               “(B) has a satisfactory record of perform-  
22               ance and attention to duty based on the stand-  
23               ards and requirements in the security program;  
24               and

1           “(C) demonstrates the current knowledge  
2           and skills necessary to courteously, vigilantly,  
3           and effectively perform screening functions.

4           “(5) OPERATIONAL TESTING.—In addition to  
5           the annual proficiency review conducted under para-  
6           graph (4), the Attorney General shall provide for the  
7           operational testing of such personnel.

8           “(g) TRAINING.—

9           “(1) USE OF OTHER AGENCIES.—The Attorney  
10          General shall enter into a memorandum of under-  
11          standing or other arrangement with any other Fed-  
12          eral agency or department with appropriate law en-  
13          forcement responsibilities, to provide personnel, re-  
14          sources, or other forms of assistance in the training  
15          of security screening personnel.

16          “(2) TRAINING PLAN.—The Attorney General  
17          shall, within 60 days after the date of enactment of  
18          the Aviation Security Act, develop a plan for the  
19          training of security screening personnel. The plan  
20          shall, at a minimum, require that before being de-  
21          ployed as a security screener, an individual—

22                 “(A) has completed 40 hours of classroom  
23                 instruction or successfully completed a program  
24                 that the Attorney General determines will train  
25                 individuals to a level of proficiency equivalent to

1           the level that would be achieved by such class-  
2           room instruction;

3           “(B) has completed 60 hours of on-the-job  
4           instruction; and

5           “(C) has successfully completed an on-the-  
6           job training examination prescribed by the At-  
7           torney General.

8           “(3) EQUIPMENT-SPECIFIC TRAINING.—An in-  
9           dividual employed as a security screener may not use  
10          any security screening device or equipment in the  
11          scope of that individual’s employment unless the in-  
12          dividual has been trained on that device or equip-  
13          ment and has successfully completed a test on the  
14          use of the device or equipment.

15          “(h) TECHNOLOGICAL TRAINING.—The Attorney  
16          General shall require training to ensure that screeners are  
17          proficient in using the most up-to-date new technology and  
18          to ensure their proficiency in recognizing new threats and  
19          weapons. The Attorney General shall make periodic as-  
20          sessments to determine if there are dual use items and  
21          inform security screening personnel of the existence of  
22          such items. Current lists of dual use items shall be part  
23          of the ongoing training for screeners. For purposes of this  
24          subsection, the term ‘dual use’ item means an item that  
25          may seem harmless but that may be used as a weapon.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 44936(a)(1)(A) is amended by in-  
3 serting “as a security screener under section  
4 44935(e) or a position” after “a position”.

5 (2) Section 44936(b) of title 49, United States  
6 Code, is amended—

7 (A) by inserting “the Attorney General,”  
8 after “subsection,” in paragraph (1); and

9 (B) by striking “An” in paragraph (3) and  
10 inserting “The Attorney General, an”.

11 (3) Section 44936(a)(1)(E) is amended by  
12 striking clause (iv).

13 (c) TRANSITION.—The Attorney General shall com-  
14 plete the full implementation of section 44935 (e), (f), (g),  
15 and (h) of title 49, United States Code, as amended by  
16 subsection (a), as soon as is practicable. The Attorney  
17 General may make or continue such arrangements for the  
18 training of security screeners under that section as the  
19 Attorney General determines necessary pending full imple-  
20 mentation of that section as so amended.

21 (d) SCREENER PERSONNEL.—Notwithstanding any  
22 other provision of law, the Attorney General may employ,  
23 appoint, discipline, terminate, and fix the compensation,  
24 terms, and conditions of employment of Federal service  
25 for such a number of individuals as the Attorney General

1 determines to be necessary to carry out the passenger se-  
2 curity screening functions of the Attorney General under  
3 section 44901 of title 49, United States Code.

4 (e) STRIKES PROHIBITED.—An individual employed  
5 as a security screener under section 44901 of title 49,  
6 United States Code, is prohibited from participating in a  
7 strike or asserting the right to strike pursuant to section  
8 7311(3) or 7116(b)(7) of title 5, United States Code.

9 (f) BACKGROUND CHECKS FOR EXISTING EMPLOY-  
10 EES.—

11 (1) IN GENERAL.—Section 44936 of title 49,  
12 United States Code, is amended by inserting “is or”  
13 before “will” in subsection (a)(1)(B)(i).

14 (2) EFFECTIVE DATE.—The amendments made  
15 by paragraph (1) apply with respect to individuals  
16 employed on or after the date of enactment of the  
17 Aviation Security Act in a position described in sub-  
18 paragraph (A) or (B) of section 44936(a)(1) of title  
19 49, United States Code. The Secretary of Transpor-  
20 tation may provide by order for a phased-in imple-  
21 mentation of the requirements of section 44936 of  
22 that title made applicable to individuals employed in  
23 such positions at airports on the date of enactment  
24 of this Act.

1 **SEC. 110. RESEARCH AND DEVELOPMENT.**

2 (a) IN GENERAL.—Section 44912(b)(1) of title 49,  
3 United States Code, is amended—

4 (1) by striking “complete an intensive review  
5 of” and inserting “periodically review”;

6 (2) by striking “commercial aircraft in service  
7 and expected to be in service in the 10-year period  
8 beginning on November 16, 1990;” in subparagraph  
9 (B) and inserting “aircraft in air transportation;”;  
10 and

11 (3) by redesignating subparagraphs (D)  
12 through (F) as subparagraphs (E) through (G), re-  
13 spectively, and inserting after subparagraph (C) the  
14 following:

15 “(D) the potential release of chemical, bio-  
16 logical, or similar weapons or devices either  
17 within an aircraft or within an airport;”.

18 (b) ADDITIONAL MATTERS REGARDING RESEARCH  
19 AND DEVELOPMENT.—

20 (1) ADDITIONAL PROGRAM REQUIREMENTS.—  
21 Subsection (a) of section 44912 of title 49, United  
22 States Code, is amended—

23 (A) by redesignating paragraph (4) as  
24 paragraph (5); and

25 (B) by inserting after paragraph (3) the  
26 following new paragraph (4):

1       “(4)(A) In carrying out the program established  
2 under this subsection, the Administrator shall designate  
3 an individual to be responsible for engineering, research,  
4 and development with respect to security technology under  
5 the program.

6       “(B) The individual designated under subparagraph  
7 (A) shall use appropriate systems engineering and risk  
8 management models in making decisions regarding the al-  
9 location of funds for engineering, research, and develop-  
10 ment with respect to security technology under the pro-  
11 gram.

12       “(C) The individual designated under subparagraph  
13 (A) shall, on an annual basis, submit to the Research, En-  
14 gineering and Development Advisory Committee a report  
15 on activities under this paragraph during the preceding  
16 year. Each report shall include, for the year covered by  
17 such report, information on—

18               “(i) progress made in engineering, research,  
19 and development with respect to security technology;

20               “(ii) the allocation of funds for engineering, re-  
21 search, and development with respect to security  
22 technology; and

23               “(iii) engineering, research, and development  
24 with respect to any technologies drawn from other  
25 agencies, including the rationale for engineering, re-



1 search, and development with respect to such tech-  
2 nologies.”.

3 (2) REVIEW OF THREATS.—Subsection (b)(1)  
4 of that section is amended—

5 (A) by redesignating subparagraphs (A)  
6 through (F) as subparagraphs (B) through (G),  
7 respectively; and

8 (B) by inserting before subparagraph (B),  
9 as so redesignated, the following new subpara-  
10 graph (A):

11 “(A) a comprehensive systems analysis (employ-  
12 ing vulnerability analysis, threat attribute definition,  
13 and technology roadmaps) of the civil aviation sys-  
14 tem, including—

15 “(i) the destruction, commandeering, or di-  
16 version of civil aircraft or the use of civil air-  
17 craft as a weapon; and

18 “(ii) the disruption of civil aviation service,  
19 including by cyber attack;”.

20 (3) SCIENTIFIC ADVISORY PANEL.—Subsection  
21 (c) of that section is amended to read as follows:

22 “(c) SCIENTIFIC ADVISORY PANEL.—(1) The Admin-  
23 istrator shall establish a scientific advisory panel, as a sub-  
24 committee of the Research, Engineering, and Development  
25 Advisory Committee, to review, comment on, advise the

1 progress of, and recommend modifications in, the program  
2 established under subsection (a) of this section, including  
3 the need for long-range research programs to detect and  
4 prevent catastrophic damage to commercial aircraft, com-  
5 mercial aviation facilities, commercial aviation personnel  
6 and passengers, and other components of the commercial  
7 aviation system by the next generation of terrorist weap-  
8 ons.

9 “(2)(A) The advisory panel shall consist of individ-  
10 uals who have scientific and technical expertise in—

11 “(i) the development and testing of effective ex-  
12 plosive detection systems;

13 “(ii) aircraft structure and experimentation to  
14 decide on the type and minimum weights of explo-  
15 sives that an effective explosive detection technology  
16 must be capable of detecting;

17 “(iii) technologies involved in minimizing air-  
18 frame damage to aircraft from explosives; and

19 “(iv) other scientific and technical areas the  
20 Administrator considers appropriate.

21 “(B) In appointing individuals to the advisory panel,  
22 the Administrator should consider individuals from aca-  
23 demia and the national laboratories, as appropriate.

1 “(3) The Administrator shall organize the advisory  
2 panel into teams capable of undertaking the review of poli-  
3 cies and technologies upon request.

4 “(4) Not later than 90 days after the date of the en-  
5 actment of the Aviation Security Act, and every two years  
6 thereafter, the Administrator shall review the composition  
7 of the advisory panel in order to ensure that the expertise  
8 of the individuals on the panel is suited to the current  
9 and anticipated duties of the panel.”.

10 (c) COORDINATION WITH ATTORNEY GENERAL.—  
11 Section 44912(b) of title 49, United States Code, is  
12 amended by adding at the end the following:

13 “(3) Beginning on the date of enactment of the Avia-  
14 tion Security Act, the Administrator shall conduct all re-  
15 search related to screening technology and procedures in  
16 conjunction with the Attorney General.”.

17 **SEC. 111. FLIGHT SCHOOL SECURITY.**

18 (a) PROHIBITION.—Chapter 449 of title 49, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing new section:

21 **“§ 44939. Training to operate jet-propelled aircraft**

22 “(a) PROHIBITION.—No person subject to regulation  
23 under this part may provide training in the operation of  
24 any jet-propelled aircraft to any alien (or other individual  
25 specified by the Secretary of Transportation under this

1 section) within the United States unless the Attorney Gen-  
2 eral issues to that person a certification of the completion  
3 of a background investigation of the alien or other indi-  
4 vidual under subsection (b).

5 “(b) INVESTIGATION.—

6 “(1) REQUEST.—Upon the joint request of a  
7 person subject to regulation under this part and an  
8 alien (or individual specified by the Secretary) for  
9 the purposes of this section, the Attorney General  
10 shall—

11 “(A) carry out a background investigation  
12 of the alien or individual within 30 days after  
13 the Attorney General receives the request; and

14 “(B) upon completing the investigation,  
15 issue a certification of the completion of the in-  
16 vestigation to the person.

17 “(2) SCOPE.—A background investigation of an  
18 alien or individual under this subsection shall consist  
19 of the following:

20 “(A) A determination of whether there is  
21 a record of a criminal history for the alien or  
22 individual and, if so, a review of the record.

23 “(B) A determination of the status of the  
24 alien under the immigration laws of the United  
25 States.

1                   “(C) A determination of whether the alien  
2                   or individual presents a national security risk to  
3                   the United States.

4                   “(3) RECURRENT TRAINING.—The Attorney  
5                   General shall develop expedited procedures for re-  
6                   quests that relate to recurrent training of an alien  
7                   or other individual for whom a certification has pre-  
8                   viously been issued under paragraph (1).

9                   “(c) SANCTIONS.—A person who violates subsection  
10                  (a) shall be subject to administrative sanctions that the  
11                  Secretary of Transportation shall prescribe in regulations.  
12                  The sanctions may include suspension and revocation of  
13                  licenses and certificates issued under this part.

14                  “(d) COVERED TRAINING.—For the purposes of sub-  
15                  section (a), training includes in-flight training, training in  
16                  a simulator, and any other form or aspect of training.

17                  “(e) REPORTING REQUIREMENT.—Each person sub-  
18                  ject to regulation under this part that provides training  
19                  in the operation of any jet-propelled aircraft shall report  
20                  to the Secretary of Transportation, at such time and in  
21                  such manner as the Secretary may prescribe, the name,  
22                  address, and such other information as the Secretary may  
23                  require concerning—

24                  “(1) each alien to whom such training is pro-  
25                  vided; and

1           “(2) every other individual to whom such train-  
2           ing is provided as the Secretary may require.

3           “(f) ALIEN DEFINED.—In this section, the term  
4           ‘alien’ has the meaning given the term in section 101(a)(3)  
5           of the Immigration and Nationality Act (8 U.S.C.  
6           1101(a)(3)).”.

7           (b) CLERICAL AMENDMENT.—The table of sections  
8           at the beginning of such chapter is amended by adding  
9           at the end the following new item:

          “44939. Training to operate jet-propelled aircraft.”.

10          (c) INTERNATIONAL COOPERATION.—The Secretary  
11          of Transportation, in consultation with the Secretary of  
12          State, shall work with the International Civil Aviation Or-  
13          ganization and the civil aviation authorities of other coun-  
14          tries to improve international aviation security through  
15          screening programs for flight instruction candidates.

16          **SEC. 112. REPORT TO CONGRESS ON SECURITY.**

17          Within 60 days after the date of enactment of this  
18          Act, the Attorney General and the Secretary of Transpor-  
19          tation shall transmit a report to the Senate Committee  
20          on Commerce, Science, and Transportation and the House  
21          of Representatives Committee on Transportation and In-  
22          frastructure containing their joint recommendations on  
23          additional measures for the Federal Government to ad-  
24          dress transportation security functions.

1 **SEC. 113. GENERAL AVIATION AND AIR CHARTERS.**

2 The Secretary of Transportation shall submit to the  
3 Senate Committee on Commerce, Science, and Transpor-  
4 tation and the House of Representatives Committee on  
5 Transportation and Infrastructure within 3 months after  
6 the date of enactment of this Act a report on how to im-  
7 prove security with respect to general aviation and air  
8 charter operations in the United States.

9 **SEC. 114. INCREASED PENALTIES FOR INTERFERENCE**  
10 **WITH SECURITY PERSONNEL.**

11 (a) IN GENERAL.—Chapter 465 of title 49, United  
12 States Code, is amended by inserting after section 46502  
13 the following:

14 **“§ 46503. Interference with security screening per-**  
15 **sonnel**

16 “An individual in an area within a commercial service  
17 airport in the United States who, by assaulting or intimi-  
18 dating a Federal, airport, or air carrier employee who has  
19 security duties within the airport, interferes with the per-  
20 formance of the duties of the employee or lessens the abil-  
21 ity of the employee to perform those duties, shall be fined  
22 under title 18, imprisoned for not more than 10 years,  
23 or both. If the individual used a dangerous weapon in com-  
24 mitting the assault, intimidation, or interference, the indi-  
25 vidual may be imprisoned for any term of years or life  
26 imprisonment.”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-  
2 ysis for chapter 465 of such title is amended by inserting  
3 after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

4 **SEC. 115. SECURITY-RELATED STUDY BY FAA.**

5 Within 120 days after the date of enactment of this  
6 Act, the Administrator of the Federal Aviation Adminis-  
7 tration shall transmit to the Senate Committee on Com-  
8 merce, Science, and Transportation and the House of Rep-  
9 resentatives Committee on Transportation and Infrastruc-  
10 ture a report setting forth the Administrator’s findings  
11 and recommendations on the following aviation security-  
12 related issues:

13 (1) A requirement that individuals employed at  
14 an airport with scheduled passenger service, and law  
15 enforcement personnel at such an airport, be  
16 screened via electronic identity verification or, until  
17 such verification is possible, have their identity veri-  
18 fied by visual inspection.

19 (2) The installation of switches in the cabin for  
20 use by cabin crew to notify the flight crew discreetly  
21 that there is a security breach in the cabin.

22 (3) A requirement that air carriers and airports  
23 revalidate all employee identification cards using  
24 hologram stickers, through card re-issuance, or  
25 through electronic revalidation.



1           (4) The updating of the common strategy used  
2           by the Administration, law enforcement agencies, air  
3           carriers, and flight crews during hijackings to in-  
4           clude measures to deal with suicidal hijackers and  
5           other extremely dangerous events not currently dealt  
6           with by the strategy.

7           (5) The use of technology that will permit en-  
8           hanced instant communications and information be-  
9           tween airborne passenger aircraft and appropriate  
10          individuals or facilities on the ground.

11 **SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CER-**  
12 **TAIN STATES.**

13          (a) IN GENERAL.—Notwithstanding any provision of  
14          section 41309(a) of title 49, United States Code, to the  
15          contrary, air carriers providing air transportation on  
16          flights which both originate and terminate at points within  
17          the same State may file an agreement, request, modifica-  
18          tion, or cancellation of an agreement within the scope of  
19          that section with the Secretary of Transportation upon a  
20          declaration by the Governor of the State that such agree-  
21          ment, request, modification, or cancellation is necessary  
22          to ensure the continuing availability of such air transpor-  
23          tation within that State.

24          (b) APPROVAL OF SECRETARY.—The Secretary may  
25          approve any such agreement, request, modification, or

1 cancellation and grant an exemption under section  
2 41308(c) of title 49, United States Code, to the extent  
3 necessary to effectuate such agreement, request, modifica-  
4 tion, or cancellation, without regard to the provisions of  
5 section 41309(b) or (c) of that title.

6 (c) PUBLIC INTEREST REQUIREMENT.—The Sec-  
7 retary may approve such an agreement, request, modifica-  
8 tion, or cancellation if the Secretary determines that—

9 (1) the State to which it relates has extraor-  
10 dinary air transportation needs and concerns; and

11 (2) approval is in the public interest.

12 (d) TERMINATION.—An approval under subsection  
13 (b) and an exemption under section 41308(c) of title 49,  
14 United States Code, granted under subsection (b) shall  
15 terminate on the earlier of the 2 following dates:

16 (1) A date established by the Secretary in the  
17 Secretary's discretion.

18 (2) October 1, 2002.

19 (e) EXTENSION.—Notwithstanding subsection (d), if  
20 the Secretary determines that it is in the public interest,  
21 the Secretary may extend the termination date under sub-  
22 section (d)(2) until a date no later than October 1, 2003.

23 **SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.**

24 (a) IN GENERAL.—In order to ensure that all airline  
25 computer reservation systems maintained by United

1 States air carriers are secure from unauthorized access by  
2 persons seeking information on reservations, passenger  
3 manifests, or other non-public information, the Secretary  
4 of Transportation shall require all such air carriers to uti-  
5 lize to the maximum extent practicable the best technology  
6 available to secure their computer reservation system  
7 against such unauthorized access.

8 (b) REPORT.—The Secretary shall transmit an an-  
9 nual report to the Senate Committee on Commerce,  
10 Science, and Transportation and to the House of Rep-  
11 resentatives Committee on Transportation and Infrastruc-  
12 ture on compliance by United States air carriers with the  
13 requirements of subsection (a).

14 **SEC. 118. SECURITY FUNDING.**

15 (a) USER FEE FOR SECURITY SERVICES.—

16 (1) IN GENERAL.—Chapter 481 is amended by  
17 adding at the end thereof the following:

18 **“§ 48114. User fee for security services charge**

19 “(a) IN GENERAL.—The Secretary of Transportation  
20 shall collect a user fee from air carriers. Amounts collected  
21 under this section shall be treated as offsetting collections  
22 to offset annual appropriations for the costs of providing  
23 aviation security services.

24 “(b) AMOUNT OF FEE.—Air carriers shall remit  
25 \$2.50 for each passenger enplanement.

1       “(c) USE OF FEES.—A fee collected under this sec-  
2       tion shall be used solely for the costs associated with pro-  
3       viding aviation security services and may be used only to  
4       the extent provided in advance in an appropriation law.”.

5               (2) CLERICAL AMENDMENT.—The table of sec-  
6       tions for chapter 481 is amended by adding at the  
7       end thereof the following:

“48114. User fee for security services”.

8               (3) EFFECTIVE DATE.—The amendment made  
9       by paragraph (1) shall apply with respect to trans-  
10      portation beginning after the date which is 180 days  
11      after the date of enactment of this Act.

12      (b) SPECIFIC AUTHORIZATION OF APPROPRIA-  
13      TIONS.—

14              (1) IN GENERAL.—Part C of subtitle VII of  
15      title 49, United States Code, is amended by adding  
16      at the end the following:

17      “CHAPTER 483. AVIATION SECURITY FUNDING.

“Sec.

“48301. Aviation security funding

18      **“§ 48301. Aviation security funding**

19      “There are authorized to be appropriated for fiscal  
20      years 2002, 2003, and 2004, such sums as may be nec-  
21      essary to carry out chapter 449 and related aviation secu-  
22      rity activities under this title.”.

1           (2) CONFORMING AMENDMENT.—The subtitle  
2           analysis for subtitle VII of title 49, United States  
3           Code, is amended by inserting after the item relating  
4           to chapter 482 the following:

“483. Aviation Security Funding ..... 48301”.

5   **SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION**  
6                           **SECURITY.**

7           (a) LIMITED USE OF AIRPORT IMPROVEMENT PRO-  
8   GRAM FUNDS.—

9           (1) BLANKET AUTHORITY.—Notwithstanding  
10          any provision of law to the contrary, including any  
11          provision of chapter 471 of title 49, United States  
12          Code, or any rule, regulation, or agreement there-  
13          under, for fiscal year 2002 the Administrator of the  
14          Federal Aviation Administration may permit an air-  
15          port operator to use amounts made available under  
16          that chapter to defray additional direct security-re-  
17          lated expenses imposed by law or rule after Sep-  
18          tember 11, 2001, for which funds are not otherwise  
19          specifically appropriated or made available under  
20          this or any other Act.

21          (2) AIRPORT DEVELOPMENT FUNDS.—Section  
22          47102(3) of title 49, United States Code, is amend-  
23          ed by adding at the end the following:

24                       “(J) after September 11, 2001, and before  
25                       October 1, 2002, for fiscal year 2002, addi-

1           tional operational requirements, improvement of  
2           facilities, purchase and deployment of equip-  
3           ment, hiring, training, and providing appro-  
4           priate personnel, or an airport or any aviation  
5           operator at an airport, that the Secretary deter-  
6           mines will enhance and ensure the security of  
7           passengers and other persons involved in air  
8           travel.”.

9           (3) ALLOWABLE COSTS.—Section 47110(b)(2)  
10          of title 49, United States Code, is amended—

11                   (A) by striking “or” in subparagraph (B);

12                   (B) by inserting “or” after “executed;” in  
13                   subparagraph (C); and

14                   (C) by adding at the end the following:

15                   “(D) if the cost is incurred after Sep-  
16                   tember 11, 2001, for a project described in sec-  
17                   tion 47102(3)(J), and shall not depend upon  
18                   the date of execution of a grant agreement  
19                   made under this subchapter;”.

20           (4) DISCRETIONARY GRANTS.—Section 47115  
21          of title 49, United States Code, is amended by add-  
22          ing at the end the following:

23           “(i) CONSIDERATIONS FOR PROJECT UNDER EX-  
24          PANDED SECURITY ELIGIBILITY.—In order to assure that  
25          funding under this subchapter is provided to the greatest

1 needs, the Secretary, in selecting a project described in  
2 section 47102(3)(J) for a grant, shall consider the non-  
3 federal resources available to sponsor, the use of such non-  
4 federal resources, and the degree to which the sponsor is  
5 providing increased funding for the project.”.

6 (5) FEDERAL SHARE.—Section 47109(a) of  
7 title 49, United States Code, is amended—

8 (A) by striking “and” in paragraph (3);

9 (B) by striking “47134.” in paragraph (4)  
10 and inserting “47134; and”; and

11 (C) by adding at the end the following:

12 “(5) for fiscal year 2002, 100 percent for a  
13 project described in section 47102(3)(J).”.

14 (b) APPORTIONED FUNDS.—For the purpose of car-  
15 rying out section 47114 of title 49, United States Code,  
16 for fiscal year 2003, the Secretary shall use, in lieu of  
17 passenger boardings at an airport during the prior cal-  
18 endar year, the greater of—

19 (1) the number of passenger boardings at that  
20 airport during 2000; or

21 (2) the number of passenger boardings at that  
22 airport during 2001.

23 (c) EXPEDITED PROCESSING OF SECURITY-RELATED  
24 PFC REQUESTS.—The Administrator of the Federal  
25 Aviation Administration shall, to the extent feasible, expe-

1 dite the processing and approval of passenger facility fee  
2 requests under subchapter I of chapter 471 of title 49,  
3 United States Code, for projects described in section  
4 47192(3)(J) of title 49, United States Code.

5 **SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSE-**  
6 **MENT OF AIRPORTS FOR SECURITY MAN-**  
7 **DATES.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to the Secretary of  
10 Transportation such sums as may be necessary for fiscal  
11 year 2002 to compensate airport operators for eligible se-  
12 curity costs.

13 (b) REIMBURSABLE COSTS.—The Secretary may re-  
14 imburse an airport operator (from amounts made available  
15 for obligation under subsection (a)) for the direct costs  
16 incurred by the airport operator in complying with new,  
17 additional, or revised security requirements imposed on  
18 airport operators by the Federal Aviation Administration  
19 on or after September 11, 2001.

20 (c) DOCUMENTATION OF COSTS; AUDIT.—The Sec-  
21 retary may not reimburse an airport operator under this  
22 section for any cost for which the airport operator does  
23 not demonstrate to the satisfaction of the Secretary, using  
24 sworn financial statements or other appropriate data,  
25 that—



1 (1) the cost is eligible for reimbursement under  
2 subsection (b); and

3 (2) the cost was incurred by the airport oper-  
4 ator.

5 The Inspector General of the Department of Transpor-  
6 tation and the Comptroller General of the United States  
7 may audit such statements and may request any other in-  
8 formation that necessary to conduct such an audit.

9 (d) CLAIM PROCEDURE.—Within 30 days after the  
10 date of enactment of this Act, the Secretary, after con-  
11 sultation with airport operators, shall publish in the Fed-  
12 eral Register the procedures for filing claims for reim-  
13 bursement under this section of eligible costs incurred by  
14 airport operators.

15 **SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**  
16 **SUSPICIOUS ACTIVITIES.**

17 (a) IN GENERAL.—Subchapter II of chapter 449 of  
18 title 49, United States Code, is amended by inserting at  
19 the end the following:

20 **“§ 44940. Immunity for reporting suspicious activities**

21 **“(a) IN GENERAL.—Any air carrier or foreign air**  
22 **carrier or any employee of an air carrier or foreign air**  
23 **carrier who makes a voluntary disclosure of any suspicious**  
24 **transaction relevant to a possible violation of law or regu-**  
25 **lation, relating to air piracy, a threat to aircraft or pas-**

1 senger safety, or terrorism, as defined by section 3077 of  
2 title 18, United States Code, to any employee or agent  
3 of the Department of Transportation, the Department of  
4 Justice, any Federal, State, or local law enforcement offi-  
5 cer, or any airport or airline security officer shall not be  
6 civilly liable to any person under any law or regulation  
7 of the United States, any constitution, law, or regulation  
8 of any State or political subdivision of any State, for such  
9 disclosure.

10 “(b) APPLICATION.—Subsection (a) shall not apply  
11 to—

12 “(1) any disclosure made with actual knowledge  
13 that the disclosure was false, inaccurate, or mis-  
14 leading; or

15 “(2) any disclosure made with reckless dis-  
16 regard as to the truth or falsity of that disclosure.

17 **“§ 44941. Sharing security risk information**

18 “The Attorney General, in consultation with the Dep-  
19 uty Secretary for Transportation Security and the Direc-  
20 tor of the Federal Bureau of Investigation, shall establish  
21 procedures for notifying the Administrator of the Federal  
22 Aviation Administration, and airport or airline security of-  
23 ficers, of the identity of persons known or suspected by  
24 the Attorney General to pose a risk of air piracy or ter-  
25 rorism or a threat to airline or passenger safety.”.

1 (b) REPORT.—Not later than 120 days after the date  
2 of enactment of this Act, the Attorney General shall report  
3 to the Senate Committee on Commerce, Science, and  
4 Transportation, the House Committee on Transportation  
5 and Infrastructure, and the Judiciary Committees of the  
6 Senate and the House of Representatives on the imple-  
7 mentation of the procedures required under section 44941  
8 of title 49, United States Code, as added by this section.

9 (c) CHAPTER ANALYSIS.—The chapter analysis for  
10 chapter 449 of title 49, United States Code, is amended  
11 by inserting at the end the following:

“44940. Immunity for reporting suspicious activities.  
“44941. Sharing security risk information.”.

12 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**  
13 **DECK CREWS.**

14 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The  
15 National Institute of Justice shall assess the range of less-  
16 than-lethal weaponry available for use by a flight deck  
17 crewmember temporarily to incapacitate an individual who  
18 presents a clear and present danger to the safety of the  
19 aircraft, its passengers, or individuals on the ground and  
20 report its findings and recommendations to the Secretary  
21 of Transportation within 90 days after the date of enact-  
22 ment of this Act.

23 Section 44903 of title 49, United States Code, is  
24 amended by adding at the end the following:

1       “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH  
2 LESS-THAN-LETHAL WEAPONS.—

3               “(1) IN GENERAL.—If the Secretary, after re-  
4 ceiving the recommendations of the National Insti-  
5 tute of Justice, determines, with the approval of the  
6 Attorney General and the Secretary of State, that it  
7 is appropriate and necessary and would effectively  
8 serve the public interest in avoiding air piracy, the  
9 Secretary may authorize members of the flight deck  
10 crew on any aircraft providing air transportation or  
11 intrastate air transportation to carry a less-than-le-  
12 thal weapon while the aircraft is engaged in pro-  
13 viding such transportation.

14               “(2) USAGE.—If the Secretary grants authority  
15 under paragraph (1) for flight deck crew members  
16 to carry a less-than-lethal weapon while engaged in  
17 providing air transportation or intrastate air trans-  
18 portation, the Secretary shall—

19               “(A) prescribe rules requiring that any  
20 such crew member be trained in the proper use  
21 of the weapon; and

22               “(B) prescribe guidelines setting forth the  
23 circumstances under which such weapons may  
24 be used.”.

1 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

2       During a national emergency affecting air transpor-  
3       tation or intrastate air transportation, the Secretary of  
4       Transportation, after consultation with the Aviation Secu-  
5       rity Coordination Council, may grant a complete or partial  
6       waiver of any restrictions on the carriage by aircraft of  
7       freight, mail, emergency medical supplies, personnel, or  
8       patients on aircraft, imposed by the Department of Trans-  
9       portation (or other Federal agency or department) that  
10      would permit such carriage of freight, mail, emergency  
11      medical supplies, personnel, or patients on flights, to,  
12      from, or within States with extraordinary air transpor-  
13      tation needs or concerns if the Secretary determines that  
14      the waiver is in the public interest, taking into consider-  
15      ation the isolation of and dependence on air transportation  
16      of such States. The Secretary may impose reasonable limi-  
17      tations on any such waivers.

18 **SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.**

19       (a) IN GENERAL.—The Secretary of Transportation  
20      shall establish procedures to ensure the safety and integ-  
21      rity of all supplies, including catering and passenger  
22      amenities, placed aboard aircraft providing passenger air  
23      transportation or intrastate air transportation.

24       (b) MEASURES.—In carrying out subsection (a), the  
25      Secretary may require—

1           (1) security procedures for suppliers and their  
2 facilities;

3           (2) the sealing of supplies to ensure easy visual  
4 detection of tampering; and

5           (3) the screening of personnel, vehicles, and  
6 supplies entering secured areas of the airport or  
7 used in servicing aircraft.

8 **SEC. 125. FLIGHT DECK SECURITY**

9           (a) SHORT TITLE.—This section may be cited as the  
10 “Flight Deck Security Act of 2001”.

11          (b) FINDINGS.—Congress makes the following find-  
12 ings:

13           (1) On September 11, 2001, terrorists hijacked  
14 four civilian aircraft, crashing two of the aircraft  
15 into the towers of the World Trade Center in New  
16 York, New York, and a third into the Pentagon out-  
17 side Washington, District of Columbia.

18           (2) Thousands of innocent Americans and citi-  
19 zens of other countries were killed or injured as a  
20 result of these attacks, including the passengers and  
21 crew of the four aircraft, workers in the World  
22 Trade Center and in the Pentagon, rescue workers,  
23 and bystanders.

1           (3) These attacks destroyed both towers of the  
2       World Trade Center, as well as adjacent buildings,  
3       and seriously damaged the Pentagon.

4           (4) These attacks were by far the deadliest ter-  
5       rorist attacks ever launched against the United  
6       States and, by targeting symbols of America, clearly  
7       were intended to intimidate our Nation and weaken  
8       its resolve.

9           (5) Armed pilots, co-pilots, and flight engineers  
10      with proper training will be the last line of defense  
11      against terrorist by providing cockpit security and  
12      aircraft security.

13          (6) Secured doors separating the flight deck  
14      from the passenger cabin have been effective in de-  
15      terrering hijackings in other nations and will serve as  
16      a deterrent to future contemplated acts of terrorism  
17      in the United States.

18      (c) AVIATION SAFETY AND THE SUPPRESSION OF  
19      TERRORISM BY COMMERCIAL AIRCRAFT.—

20          (1) POSSESSION OF FIREARMS ON COMMERCIAL  
21      FLIGHTS.—The Federal Aviation Administration  
22      (FAA) is authorized to permit a pilot, co-pilot, or  
23      flight engineer of a commercial aircraft who has suc-  
24      cessfully completed the requirements of paragraph  
25      (2), or who is not otherwise prohibited by law from

1       possessing a firearm, from possessing or carrying a  
2       firearm approved by the FAA for the protection of  
3       the aircraft under procedures or regulations as nec-  
4       essary to ensure the safety and integrity of flight.

5               (2) FEDERAL PILOT OFFICERS.—(A) In addi-  
6       tion to the protections provided by paragraph (1),  
7       the FAA shall also establish a voluntary program to  
8       train and supervise commercial airline pilots.

9               (B) Under the program, the FAA shall make  
10      available appropriate training and supervision for all  
11      such pilots, which may include training by private  
12      entities.

13              (C) The power granted to such persons shall be  
14      limited to enforcing Federal law in the cockpit of  
15      commercial aircraft and, under reasonable cir-  
16      cumstances the passenger compartment to protect  
17      the integrity of the commercial aircraft and the lives  
18      of the passengers.

19              (D) The FAA shall make available appropriate  
20      training to any qualified pilot who requests such  
21      training pursuant to this title.

22              (E) The FAA may prescribe regulations for  
23      purposes of this section.

24              (d) REPORTS TO CONGRESS.—Not later than six  
25      months after the date of the enactment of this Act, and



1 every six months thereafter, the Secretary of Transpor-  
2 tation shall submit to Congress a report on the effective-  
3 ness of the requirements in this section in facilitating com-  
4 mercial aviation safety and the suppression of terrorism  
5 by commercial aircraft.

6 **SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

7 Section 44703(g) of title 49, United States Code, is  
8 amended—

9 (1) in the first sentence of paragraph (1)—

10 (A) by striking “pilots” and inserting “air-  
11 men”; and

12 (B) by striking the period and inserting  
13 “and related to combating acts of terrorism.”;  
14 and

15 (2) by adding at the end, the following new  
16 paragraphs:

17 “(3) For purposes of this section, the term ‘acts of  
18 terrorism’ means an activity that involves a violent act or  
19 an act dangerous to human life that is a violation of the  
20 criminal laws of the United States or of any State, or that  
21 would be a criminal violation if committed within the juris-  
22 diction of the United States or of any State, and appears  
23 to be intended to intimidate or coerce a civilian population  
24 to influence the policy of a government by intimidation

1 or coercion or to affect the conduct of a government by  
2 assassination or kidnaping.

3 “(4) The Administrator is authorized and directed to  
4 work with State and local authorities, and other Federal  
5 agencies, to assist in the identification of individuals ap-  
6 plying for or holding airmen certificates.”.

7 **SEC. 127. RESULTS-BASED MANAGEMENT.**

8 Subchapter II of chapter 449 of title 49, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 **“§ 44942. Performance Goals and Objectives**

12 “(a) SHORT TERM TRANSITION.—

13 “(1) IN GENERAL.—Within 60 days of enact-  
14 ment, the Deputy Secretary for Transportation Se-  
15 curity shall, in consultation with Congress—

16 “(A) establish acceptable levels of perform-  
17 ance for aviation security, including screening  
18 operations and access control, and

19 “(B) provide Congress with an action plan,  
20 containing measurable goals and milestones,  
21 that outlines how those levels of performance  
22 will be achieved.

23 “(2) BASICS OF ACTION PLAN.—The action  
24 plan shall clarify the responsibilities of the Depart-  
25 ment of Transportation, the Federal Aviation Ad-

1       ministration and any other agency or organization  
2       that may have a role in ensuring the safety and se-  
3       curity of the civil air transportation system.

4       “(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

5               “(1) PERFORMANCE PLAN AND REPORT.—

6                       “(A) PERFORMANCE PLAN.—(i) Each year,  
7                       consistent with the requirements of the Govern-  
8                       ment Performance and Results Act of 1993  
9                       (GPRA), the Secretary and the Deputy Sec-  
10                      retary for Transportation Security shall agree  
11                      on a performance plan for the succeeding 5  
12                      years that establishes measurable goals and ob-  
13                      jectives for aviation security. The plan shall  
14                      identify action steps necessary to achieve such  
15                      goals.

16                     “(ii) In addition to meeting the require-  
17                     ments of GPRA, the performance plan shall  
18                     clarify the responsibilities of the Secretary, the  
19                     Deputy Secretary for Transportation Security  
20                     and any other agency or organization that may  
21                     have a role in ensuring the safety and security  
22                     of the civil air transportation system.

23                     “(iii) The performance plan shall be avail-  
24                     able to the public. The Deputy Secretary for  
25                     Transportation Security may prepare a non-

1 public appendix covering performance goals and  
2 indicators that, if revealed to the public, would  
3 likely impede achievement of those goals and in-  
4 dicators.

5 “(B) PERFORMANCE REPORT.—(i) Each  
6 year, consistent with the requirements of  
7 GPRA, the Deputy Secretary for Transpor-  
8 tation Security shall prepare and submit to  
9 Congress an annual report including an evalua-  
10 tion of the extent goals and objectives were met.  
11 The report shall include the results achieved  
12 during the year relative to the goals established  
13 in the performance plan.

14 “(ii) The performance report shall be avail-  
15 able to the public. The Deputy Secretary for  
16 Transportation Security may prepare a non-  
17 public appendix covering performance goals and  
18 indicators that, if revealed to the public, would  
19 likely impede achievement of those goals and in-  
20 dicators.

21 **“§ 44943. Performance Management System**

22 “(a) ESTABLISHING A FAIR AND EQUITABLE SYS-  
23 TEM FOR MEASURING STAFF PERFORMANCE.—The Dep-  
24 uty Secretary for Transportation Security shall establish  
25 a performance management system which strengthens the

1 organization's effectiveness by providing for the establish-  
2 ment of goals and objectives for managers, employees, and  
3 organizational performance consistent with the perform-  
4 ance plan.

5       “(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY  
6 FOR MEETING PERFORMANCE GOALS.—(1) Each year,  
7 the Secretary and Deputy Secretary for Transportation  
8 Security shall enter into an annual performance agree-  
9 ment that shall set forth organizational and individual per-  
10 formance goals for the Deputy Secretary.

11       “(2) Each year, the Deputy Secretary for Transpor-  
12 tation Security and each senior manager who reports to  
13 the Deputy Secretary for Transportation Security shall  
14 enter into an annual performance agreement that sets  
15 forth organization and individual goals for those man-  
16 agers. All other employees hired under the authority of  
17 the Deputy Secretary for Transportation Security shall  
18 enter into an annual performance agreement that sets  
19 forth organization and individual goals for those employ-  
20 ees.

21       “(c) COMPENSATION FOR THE DEPUTY SECRETARY  
22 FOR TRANSPORTATION SECURITY.—

23               “(1) IN GENERAL.—The Deputy Secretary for  
24 Transportation Security is authorized to be paid at

1 an annual rate of pay payable to level II of the Ex-  
2 ecutive Schedule.

3 “(2) BONUSES OR OTHER INCENTIVES.—In ad-  
4 dition, the Deputy Secretary for Transportation Se-  
5 curity may receive bonuses or other incentives, based  
6 upon the Secretary’s evaluation of the Deputy Sec-  
7 retary’s performance in relation to the goals set  
8 forth in the agreement. Total compensation cannot  
9 exceed the Secretary’s salary.

10 “(d) COMPENSATION FOR MANAGERS AND OTHER  
11 EMPLOYEES.—

12 “(1) IN GENERAL.—A senior manager reporting  
13 directly to the Deputy Secretary for Transportation  
14 Security may be paid at an annual rate of basic pay  
15 of not more than the maximum rate of basic pay for  
16 the Senior Executive Service under section 5382 of  
17 title 5, United States Code.

18 “(2) BONUSES OR OTHER INCENTIVES.—In ad-  
19 dition, senior managers can receive bonuses or other  
20 incentives based on the Deputy Secretary for Trans-  
21 portation Security’s evaluation of their performance  
22 in relation to goals in agreements. Total compensa-  
23 tion cannot exceed 125 percent of the maximum rate  
24 of base pay for the Senior Executive Service. Fur-  
25 ther, the Deputy Secretary for Transportation Secu-

1        rity shall establish, within the performance manage-  
2        ment system, a program allowing for the payment of  
3        bonuses or other incentives to other managers and  
4        employees. Such a program shall provide for bonuses  
5        or other incentives based on their performance.

6        “(e)     PERFORMANCE-BASED     SERVICE     CON-  
7     TRACTING.—To the extent contracts, if any, are used to  
8     implement the Aviation Security Act, the Deputy Sec-  
9     retary for Transportation Security shall, to the extent  
10    practical, maximize the use of performance-based service  
11    contracts. These contracts should be consistent with  
12    guidelines published by the Office of Federal Procurement  
13    Policy.”.

14    **SEC. 128. USE OF FACILITIES.**

15        (a) EMPLOYMENT REGISTER.—Notwithstanding any  
16    other provision of law, the Secretary of Transportation  
17    shall establish and maintain an employment register.

18        (b) TRAINING FACILITY.—The Secretary of Trans-  
19    portation may, where feasible, use the existing Federal  
20    Aviation Administration’s training facilities, to design, de-  
21    velop, or conduct training of security screening personnel.

1   **SEC. 129. REPORT ON NATIONAL AIR SPACE RESTRICTIONS**  
2                   **PUT IN PLACE AFTER TERRORIST ATTACKS**  
3                   **THAT REMAIN IN PLACE.**

4       (a) REPORT.—Within 30 days of the enactment of  
5 this Act, the President shall submit to the committees of  
6 Congress specified in subsection (b) a report containing—

7           (1) a description of each restriction, if any, on  
8 the use of national airspace put in place as a result  
9 of the September 11, 2001, terrorist attacks that re-  
10 mains in place as of the date of the enactment of  
11 this Act; and

12          (2) a justification for such restriction remaining  
13 in place.

14       (b) COMMITTEES OF CONGRESS.—The committees of  
15 Congress specified in this subsection are the following:

16           (1) The Select Committee on Intelligence of the  
17 Senate.

18           (2) The Permanent Select Committee on Intel-  
19 ligence of the House of Representatives.

20           (3) The Committee on Commerce, Science, and  
21 Transportation of the Senate.

22           (4) The Committee on Transportation and In-  
23 frastructure of the House of Representatives.



1 **SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERV-**  
2 **ICES DURING COMMERCIAL FLIGHTS.**

3 (a) PROGRAM FOR PROVISION OF VOLUNTARY SERV-  
4 ICES.—

5 (1) PROGRAM.—The Secretary of Transpor-  
6 tation shall carry out a program to permit qualified  
7 law enforcement officers, firefighters, and emergency  
8 medical technicians to provide emergency services on  
9 commercial air flights during emergencies.

10 (2) REQUIREMENTS.—The Secretary shall es-  
11 tablish such requirements for qualifications of pro-  
12 viders of voluntary services under the program under  
13 paragraph (1), including training requirements, as  
14 the Secretary considers appropriate.

15 (3) CONFIDENTIALITY OF REGISTRY.—If as  
16 part of the program under paragraph (1) the Sec-  
17 retary requires or permits registration of law en-  
18 forcement officers, firefighters, or emergency med-  
19 ical technicians who are willing to provide emergency  
20 services on commercial flights during emergencies,  
21 the Secretary shall take appropriate actions to en-  
22 sure that the registry is available only to appropriate  
23 airline personnel and otherwise remains confidential.

24 (4) CONSULTATION.—The Secretary shall con-  
25 sult with appropriate representatives of the commer-  
26 cial airline industry, and organizations representing

1 community-based law enforcement, firefighters, and  
2 emergency medical technicians, in carrying out the  
3 program under paragraph (1), including the actions  
4 taken under paragraph (3).

5 (b) PROTECTION FROM LIABILITY.—

6 (1) IN GENERAL.—Subchapter II of chapter  
7 449 of title 49, United States Code, is amended by  
8 adding at the end the following new section:

9 **“§ 44944. Exemption of volunteers from liability**

10 “(a) IN GENERAL.—An individual shall not be liable  
11 for damages in any action brought in a Federal or State  
12 court that arises from an act or omission of the individual  
13 in providing or attempting to provide assistance in the  
14 case of an inflight emergency in an aircraft of an air car-  
15 rier if the individual meets such qualifications as the Sec-  
16 retary shall prescribe for purposes of this section.

17 “(b) EXCEPTION.—The exemption under subsection  
18 (a) shall not apply in any case in which an individual pro-  
19 vides, or attempts to provide, assistance described in that  
20 paragraph in a manner that constitutes gross negligence  
21 or willful misconduct.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions at the beginning of such chapter is amended  
24 by adding at the end the following new item:

“44944. Exemption of volunteers from liability.”.

1       (c) CONSTRUCTION REGARDING POSSESSION OF  
2 FIREARMS.—Nothing in this section may be construed to  
3 require any modification of regulations of the Department  
4 of Transportation governing the possession of firearms  
5 while in aircraft or air transportation facilities or to au-  
6 thorize the possession of a firearm in an aircraft or any  
7 such facility not authorized under those regulations.

8 **SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.**

9       (a) SECURITY FOR LARGER AIRCRAFT.—

10           (1) PROGRAM REQUIRED.—Not later than 90  
11 days after the date of the enactment of this Act, the  
12 Administrator of the Federal Aviation Administra-  
13 tion shall commence implementation of a program to  
14 provide security screening for all aircraft operations  
15 conducted with respect to any aircraft having a max-  
16 imum certified takeoff weight of more than 12,500  
17 pounds that is not operating as of the date of the  
18 implementation of the program under security proce-  
19 dures prescribed by the Administrator.

20           (2) WAIVER.—

21           (A) AUTHORITY TO WAIVE.—The Adminis-  
22 trator may waive the applicability of the pro-  
23 gram under this section with respect to any air-  
24 craft or class of aircraft otherwise described by  
25 this section if the Administrator determines

1           that aircraft described in this section can be op-  
2           erated safely without the applicability of the  
3           program to such aircraft or class of aircraft, as  
4           the case may be.

5           (B) LIMITATIONS.—A waiver under sub-  
6           paragraph (A) may not go into effect—

7                   (i) unless approved by the Secretary  
8                   of Transportation; and

9                   (ii) until 10 days after the date on  
10                  which notice of the waiver has been sub-  
11                  mitted to the appropriate committees of  
12                  Congress.

13           (3) PROGRAM ELEMENTS.—The program under  
14           paragraph (1) shall require the following:

15                   (A) The search of any aircraft covered by  
16                   the program before takeoff.

17                   (B) The screening of all crew members,  
18                   passengers, and other persons boarding any air-  
19                   craft covered by the program, and their prop-  
20                   erty to be brought on board such aircraft, be-  
21                   fore boarding.

22           (4) PROCEDURES FOR SEARCHES AND SCREEN-  
23           ING.—The Administrator shall develop procedures  
24           for searches and screenings under the program

1 under paragraph (1). Such procedures may not be  
2 implemented until approved by the Secretary.

3 (b) SECURITY FOR SMALLER AIRCRAFT.—

4 (1) PROGRAM REQUIRED.—Not later than one  
5 year after the date of the enactment of this Act, the  
6 Administrator shall commence implementation of a  
7 program to provide security for all aircraft oper-  
8 ations conducted with respect to any aircraft having  
9 a maximum certified takeoff weight of 12,500  
10 pounds or less that is not operating as of the date  
11 of the implementation of the program under security  
12 procedures prescribed by the Administrator. The  
13 program shall address security with respect to crew  
14 members, passengers, baggage handlers, mainte-  
15 nance workers, and other individuals with access to  
16 aircraft covered by the program, and to baggage.

17 (2) REPORT ON PROGRAM.—Not later than 180  
18 days after the date of the enactment of this Act, the  
19 Secretary shall submit to the appropriate committees  
20 of Congress a report containing a proposal for the  
21 program to be implemented under paragraph (1).

22 (c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN  
23 CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

24 (1) REQUIREMENT.—Notwithstanding any  
25 other provision of law and subject to paragraph (2),

1 no person or entity may sell, lease, or charter any  
2 aircraft to an alien, or any other individual specified  
3 by the Secretary for purposes of this subsection,  
4 within the United States unless the Attorney Gen-  
5 eral issues a certification of the completion of a  
6 background investigation of the alien, or other indi-  
7 vidual, as the case may be, that meets the require-  
8 ments of section 44939(b) of title 49, United States  
9 Code, as added by section 111 of this title.

10 (2) EXPIRATION.—The prohibition in para-  
11 graph (1) shall expire as follows:

12 (A) In the case of an aircraft having a  
13 maximum certified takeoff weight of more than  
14 12,500 pounds, upon implementation of the  
15 program required by subsection (a).

16 (B) In the case of an aircraft having a  
17 maximum certified takeoff weight of 12,500  
18 pounds or less, upon implementation of the pro-  
19 gram required by subsection (b).

20 (3) ALIEN DEFINED.—In this subsection, the  
21 term “alien” has the meaning given that term in  
22 section 44939(f) of title 49, United States Code, as  
23 so added.

1 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
2 FINED.—In this section, the term “appropriate commit-  
3 tees of Congress” means—

4 (1) the Committee on Commerce, Science, and  
5 Transportation of the Senate; and

6 (2) the Committee on Commerce of the House  
7 of Representatives.

8 **SEC. 132. IMPLEMENTATION OF CERTAIN DETECTION**  
9 **TECHNOLOGIES.**

10 (a) IN GENERAL.—Not later than September 30,  
11 2002, the Assistant Administrator for Civil Aviation Secu-  
12 rity shall review and make a determination on the feasi-  
13 bility of implementing technologies described in subsection  
14 (b).

15 (b) TECHNOLOGIES DESCRIBED.—The technologies  
16 described in this subsection are technologies that are—

17 (1) designed to protect passengers, aviation em-  
18 ployees, air cargo, airport facilities, and airplanes;  
19 and

20 (2) material specific and able to automatically  
21 and non-intrusively detect, without human interpre-  
22 tation and without regard to shape or method of  
23 concealment, explosives, illegal narcotics, hazardous  
24 chemical agents, and nuclear devices.

1   **SEC. 133. REPORT ON NEW RESPONSIBILITIES OF THE DE-**  
2                   **PARTMENT OF JUSTICE FOR AVIATION SECU-**  
3                   **RITY.**

4       Not later than 120 days after the date of enactment  
5 of this Act, the Attorney General shall report to the House  
6 Committee on the Judiciary, the Senate Committee on the  
7 Judiciary, the House Committee on Transportation and  
8 Infrastructure, and the Senate Committee on Commerce,  
9 Science, and Transportation on the new responsibilities of  
10 the Department of Justice for aviation security under this  
11 title.

12   **SEC. 134. DEFINITIONS.**

13       Except as otherwise explicitly provided, any term  
14 used in this title that is defined in section 40102 of title  
15 49, United States Code, has the meaning given that term  
16 in that section.



1 **TITLE II—DEPLOYMENT AND**  
2 **USE OF SECURITY TECH-**  
3 **NOLOGIES**

4 **Subtitle A—Expanded Deployment**  
5 **and Utilization of Current Secu-**  
6 **rity Technologies and Proce-**  
7 **dures**

8 **SEC. 201. EXPANDED DEPLOYMENT AND UTILIZATION OF**  
9 **CURRENT SECURITY TECHNOLOGIES AND**  
10 **PROCEDURES.**

11 (a) IN GENERAL.—The Administrator of the Federal  
12 Aviation Administration shall require that employment in-  
13 vestigations, including criminal history record checks, for  
14 all individuals described in section 44936(a)(1) of title 49,  
15 United States Code, who are existing employees, at air-  
16 ports regularly serving an air carrier holding a certificate  
17 issued by the Secretary of Transportation, should be com-  
18 pleted within 9 months unless such individuals have had  
19 such investigations and checks within 5 years of the date  
20 of enactment of this Act. The Administrator shall devise  
21 an alternative method for background checks for a person  
22 applying for any airport security position who has lived  
23 in the United States less than 5 years and shall have such  
24 alternative background check in place as soon as possible.  
25 The Administrator shall work with the International Civil

1 Aviation Organization and with appropriate authorities of  
2 foreign governments in devising such alternative method.

3 (b) EXPLOSIVE DETECTION.—

4 (1) IN GENERAL.—The Administrator of the  
5 Federal Aviation Administration shall deploy and  
6 oversee the usage of existing bulk explosives detec-  
7 tion technology already at airports for checked bag-  
8 gage. Not later than 60 days after the date of enact-  
9 ment of this Act, the Administrator shall establish  
10 confidential goals for—

11 (A) deploying by a specific date all existing  
12 bulk explosives detection scanners purchased  
13 but not yet deployed by the Federal Aviation  
14 Administration;

15 (B) a specific percentage of checked bag-  
16 gage to be scanned by bulk explosives detection  
17 machines within 6 months, and annual goals  
18 thereafter with an eventual goal of scanning  
19 100 percent of checked baggage; and

20 (C) the number of new bulk explosives de-  
21 tection machines that will be purchased by the  
22 Federal Aviation Administration for deployment  
23 at the Federal Aviation Administration-identi-  
24 fied midsized airports within 6 months.

1           (2) USE OF FUNDS.—For purposes of carrying  
2       out this subtitle, airport operators may use funds  
3       available under the Airport Improvement Program  
4       described in chapter 471 of title 49, United States  
5       Code, to reconfigure airport baggage handling areas  
6       to accommodate the equipment described in para-  
7       graph (1), if necessary. Not later than 12 months  
8       after the date of enactment of this Act, and annually  
9       thereafter, the Administrator shall report, on a con-  
10      fidential basis, to the Committee on Commerce,  
11      Science, and Transportation of the Senate and the  
12      Committee on Transportation and Infrastructure of  
13      the House of Representatives, the Government Ac-  
14      counting Office, and the Inspector General of the  
15      Department of Transportation, regarding the goals  
16      and progress the Administration is making in  
17      achieving those goals described in paragraph (1).

18           (3)     AIRPORT        DEVELOPMENT.—Section  
19      47102(3)(B) of title 49, United States Code, is  
20      amended—

21                   (A) by striking “and” at the end of clause  
22                   (viii);

23                   (B) by striking the period at the end of  
24                   clause (ix) and inserting “; and”; and

1 (C) by inserting after clause (ix) the fol-  
2 lowing new clause:

3 “(x) replacement of baggage conveyor  
4 systems, and reconfiguration of terminal  
5 luggage areas, that the Secretary deter-  
6 mines are necessary to install bulk explo-  
7 sive detection devices.”.

8 (c) BAG MATCHING SYSTEM.—The Administrator of  
9 the Federal Aviation Administration shall require air car-  
10 riers to improve the passenger bag matching system. Not  
11 later than 60 days after the date of enactment of this Act,  
12 the Administrator shall establish goals for upgrading the  
13 Passenger Bag Matching System, including interim meas-  
14 ures to match a higher percentage of bags until Explosives  
15 Detection Systems are used to scan 100 percent of  
16 checked baggage. The Administrator shall report, on a  
17 confidential basis, to the Committee on Commerce,  
18 Science, and Transportation of the Senate and the Com-  
19 mittee on Transportation and Infrastructure of the House  
20 of Representatives, the Government Accounting Office,  
21 and the Inspector General of the Department of Transpor-  
22 tation, regarding the goals and the progress made in  
23 achieving those goals within 12 months after the date of  
24 enactment of this Act.

1           (d)           COMPUTER-ASSISTED           PASSENGER  
2   PRESCREENING.—

3           (1) IN GENERAL.—The Administrator of the  
4   Federal Aviation Administration shall require air  
5   carriers to expand the application of the current  
6   Computer-Assisted Passenger Prescreening System  
7   (CAPPS) to all passengers, regardless of baggage.  
8   Passengers selected under this system shall be sub-  
9   ject to additional security measures, including  
10   checks of carry-on baggage and person, before  
11   boarding.

12          (2) REPORT.—The Administrator shall report  
13   back to the Committee on Commerce, Science, and  
14   Transportation of the Senate and to the Committee  
15   on Transportation and Infrastructure of the House  
16   of Representatives within 3 months of the date of  
17   enactment of this Act on the implementation of the  
18   expanded CAPPS system.

1 **Subtitle B—Short-Term Assessment**  
2 **and Deployment of Emerging**  
3 **Security Technologies and Pro-**  
4 **cedures**

5 **SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF**  
6 **EMERGING SECURITY TECHNOLOGIES AND**  
7 **PROCEDURES.**

8 Section 44903 of title 49, United States Code, is  
9 amended by adding at the end the following:

10 “(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT  
11 OF EMERGING SECURITY TECHNOLOGIES AND PROCE-  
12 DURES.—

13 “(1) IN GENERAL.—The Deputy Secretary for  
14 Transportation Security shall recommend to airport  
15 operators, within 6 months after the date of enact-  
16 ment of this Act, commercially available measures or  
17 procedures to prevent access to secure airport areas  
18 by unauthorized persons. As part of the 6-month as-  
19 sessment, the Deputy Secretary for Transportation  
20 Security shall—

21 “(A) review the effectiveness of biometrics  
22 systems currently in use at several United  
23 States airports, including San Francisco Inter-  
24 national;

1           “(B) review the effectiveness of increased  
2           surveillance at access points;

3           “(C) review the effectiveness of card- or  
4           keypad-based access systems;

5           “(D) review the effectiveness of airport  
6           emergency exit systems and determine whether  
7           those that lead to secure areas of the airport  
8           should be monitored or how breaches can be  
9           swiftly responded to; and

10           “(E) specifically target the elimination of  
11           the “piggy-backing” phenomenon, where an-  
12           other person follows an authorized person  
13           through the access point.

14           The 6-month assessment shall include a 12-month  
15           deployment strategy for currently available tech-  
16           nology at all category X airports, as defined in the  
17           Federal Aviation Administration approved air carrier  
18           security programs required under part 108 of title  
19           14, Code of Federal Regulations. Not later than 18  
20           months after the date of enactment of this Act, the  
21           Secretary of Transportation shall conduct a review  
22           of reductions in unauthorized access at these air-  
23           ports.

24           “(2) 90-DAY REVIEW.—

1           “(A) IN GENERAL.—The Deputy Secretary  
2           for Transportation Security, as part of the  
3           Aviation Security Coordination Council, shall  
4           conduct a 90-day review of—

5                   “(i) currently available or short-term  
6                   deployable upgrades to the Computer-As-  
7                   sisted Passenger Prescreening System  
8                   (CAPPS); and

9                   “(ii) deployable upgrades to the co-  
10                  ordinated distribution of information re-  
11                  garding persons listed on the “watch list”  
12                  for any Federal law enforcement agencies  
13                  who could present an aviation security  
14                  threat.

15           “(B) DEPLOYMENT OF UPGRADES.—The  
16           Deputy Secretary for Transportation Security  
17           shall commence deployment of recommended  
18           short-term upgrades to CAPPS and to the co-  
19           ordinated distribution of “watch list” informa-  
20           tion within 6 months after the date of enact-  
21           ment of this Act. Within 18 months after the  
22           date of enactment of this Act, the Deputy Sec-  
23           retary for Transportation Security shall report  
24           to the Committee on Commerce, Science, and  
25           Transportation of the Senate and to the Com-



1           mittee on Transportation and Infrastructure of  
2           the House of Representatives, the Government  
3           Accounting Office, and the Inspector General of  
4           the Department of Transportation, on progress  
5           being made in deploying recommended up-  
6           grades.

7           “(3) STUDY.—The Deputy Secretary for Trans-  
8           portation Security shall conduct a study of options  
9           for improving positive identification of passengers at  
10          check-in counters and boarding areas, including the  
11          use of biometrics and “smart” cards. Within 6  
12          months after the date of enactment of this Act, the  
13          Deputy Secretary shall report to the Committee on  
14          Commerce, Science, and Transportation of the Sen-  
15          ate and to the Committee on Transportation and In-  
16          frastructure of the House of Representatives on the  
17          feasibility and costs of implementing each identifica-  
18          tion method and a schedule for requiring air carriers  
19          to deploy identification methods determined to be ef-  
20          fective.”.

1 **Subtitle C—Research and Develop-**  
2 **ment of Aviation Security Tech-**  
3 **nology**

4 **SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SE-**  
5 **CURITY TECHNOLOGY.**

6 (a) FUNDING.—To augment the programs authorized  
7 in section 44912(a)(1) of title 49, United States Code,  
8 there is authorized to be appropriated an additional  
9 \$50,000,000 for each of fiscal years 2002 through 2006  
10 and such sums as are necessary for each fiscal year there-  
11 after to the Federal Aviation Administration, for research,  
12 development, testing, and evaluation of the following tech-  
13 nologies which may enhance aviation security in the fu-  
14 ture. Grants to industry, academia, and Government enti-  
15 ties to carry out the provisions of this section shall be  
16 available for fiscal years 2002 and 2003 for—

17 (1) the acceleration of research, development,  
18 testing, and evaluation of explosives detection tech-  
19 nology for checked baggage, specifically, technology  
20 that is—

21 (A) more cost-effective for deployment for  
22 explosives detection in checked baggage at  
23 small- to medium-sized airports, and is cur-  
24 rently under development as part of the Argus

1 research program at the Federal Aviation Ad-  
2 ministration;

3 (B) faster, to facilitate screening of all  
4 checked baggage at larger airports; or

5 (C) more accurate, to reduce the number  
6 of false positives requiring additional security  
7 measures;

8 (2) acceleration of research, development, test-  
9 ing, and evaluation of new screening technology for  
10 carry-on items to provide more effective means of  
11 detecting and identifying weapons, explosives, and  
12 components of weapons of mass destruction, includ-  
13 ing advanced x-ray technology;

14 (3) acceleration of research, development, test-  
15 ing, and evaluation of threat screening technology  
16 for other categories of items being loaded onto air-  
17 craft, including cargo, catering, and duty-free items;

18 (4) acceleration of research, development, test-  
19 ing, and evaluation of threats carried on persons  
20 boarding aircraft or entering secure areas, including  
21 detection of weapons, explosives, and components of  
22 weapons of mass destruction;

23 (5) acceleration of research, development, test-  
24 ing and evaluation of integrated systems of airport  
25 security enhancement, including quantitative meth-

1       ods of assessing security factors at airports selected  
2       for testing such systems;

3           (6) expansion of the existing program of re-  
4       search, development, testing, and evaluation of im-  
5       proved methods of education, training, and testing  
6       of key airport security personnel; and

7           (7) acceleration of research, development, test-  
8       ing, and evaluation of aircraft hardening materials,  
9       and techniques to reduce the vulnerability of aircraft  
10      to terrorist attack.

11      (b) GRANTS.—Grants awarded under this subtitle  
12      shall identify potential outcomes of the research, and pro-  
13      pose a method for quantitatively assessing effective in-  
14      creases in security upon completion of the research pro-  
15      gram. At the conclusion of each grant, the grant recipient  
16      shall submit a final report to the Federal Aviation Admin-  
17      istration that shall include sufficient information to permit  
18      the Administrator to prepare a cost-benefit analysis of po-  
19      tential improvements to airport security based upon de-  
20      ployment of the proposed technology. The Administrator  
21      shall begin awarding grants under this subtitle within 90  
22      days of the date of enactment of this Act.

23      (c) BUDGET SUBMISSION.—A budget submission and  
24      detailed strategy for deploying the identified security up-  
25      grades recommended upon completion of the grants

1 awarded under subsection (b), shall be submitted to Con-  
2 gress as part of the Department of Transportation's an-  
3 nual budget submission.

4 (d) DEFENSE RESEARCH.—There is authorized to be  
5 appropriated \$20,000,000 to the Federal Aviation Admin-  
6 istration to issue research grants in conjunction with the  
7 Defense Advanced Research Projects Agency. Grants may  
8 be awarded under this section for—

9 (1) research and development of longer-term  
10 improvements to airport security, including advanced  
11 weapons detection;

12 (2) secure networking and sharing of threat in-  
13 formation between Federal agencies, law enforce-  
14 ment entities, and other appropriate parties;

15 (3) advances in biometrics for identification and  
16 threat assessment; or

17 (4) other technologies for preventing acts of ter-  
18 rorism in aviation.